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1844-5-87
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Commissions Issued. 1846.

Be it remembered that the following Commissions were issued from the Secretarys office, on the dates respectively mentioned, viz Wit.

To Alfred A. Hagg, on the 26th June 1846. to be Secretary of the Territory and Recorder of Land Claims Deeds Bonds. Mortgages &c.

To Jeremiah Rowland, on 29th June 1846. to be Presiding Judge of the County Court & Judge of Probate of Clackamas County

To William Holmes on the 29th June 1846. to be Sheriff of Clackamas County.

To W. W. White on the 29th June 1846. to be Presiding Judge of the County Court & Judge of Probate of Clackamas County.

To Fred'k Waymire on the 29th June 1846. to be Sheriff of Polk County.

To Thos Owens on the 29th June 1846. to be Sheriff of Clatsop County

To Jas. Howard on the 29th June 1846. to be Presiding Judge of the County Court & Judge of Probate of Polk County

To Isaac Staats on the 29th June 1846. to be Judge of the County Court of Polk County for 2 years

To Hiram Taylor on the 29th June 1846. to be Judge of the County Court of Polk County for 1 year

To Andrew Hood on the 30th June 1846. to be Judge of the County Court of Clackamas County 2 yrs.

To Wm Allen on the of July 1846 to be Sheriff of Champoe County.

To Wm Aitken on the of July 1846 to be Sheriff of Vancouver County

To Wm Engle on the 3rd August 1846. to be Judge of Clackamas County for 1 year

Resignations 1876

Joel P. Walker does this day signify his intention of resigning the Office of Judge of Yam Hill County Court

Aug 25th 1876

Att. Fred C. Prigg Sec'y

W. D. Perry, resigned the office of Judge of Clatsop County Court - the 26th June 1876

Attest Fred C. Prigg Sec'y

Will'm Dunn resigned the office of Judge of Tualatin County Court the 10th day of August 1876

Attest, Fred C. Prigg Sec'y

R. Aitken resigned the office of Judge of Umatilla County on the day of 1876

Wm Golden resigned the office of Judge of Clatsop County on the day of 1876

Att. F. Prigg Sec'y

Thos Owens resigned the office of Sheriff of Clatsop County on the 20th day of Nov. 1876

Att. F. Prigg Sec'y

Be it Known that P. H. Burnett, resigned the Office of Supreme Judge of Oregon, on the 29th day of December 1876

Att. Fred C. Prigg Sec'y

Be it Known that W. Mulky, resigned the Office of Sheriff of Tualatin County, on the 4th day of January - 1877

Att. Fred C. Prigg Sec'y

Be it Known that Dugald McTavish resigned the Office of Judge of Vancouver County on the 8th day of Jan'y 1877

Att. Fred C. Prigg

Commissions Issued 1846

To Dugald McTavish on 2d Aug. 1846 to be Judge of Vancouver County for 2 years

" Richard Covington on 26th Aug. 1846 to be Judge of Vancouver County for 1 year

To Wm. M. Gray, on the 29th Aug. 1846 to be Presiding Judge of the County Court and Probate Judge of Clatsop County

To David Ingalls on the 29th Aug. 1846 to be Judge of Clatsop County for 2 years

" John Richardson on the 9th Sept. 1846 to be Judge of Champoeg County for 1 year

To A. E. Wait on the seventh Oct. 1845 to be Justice of the Peace for the Eastern precinct of Champoeg County

To W. Ryan on the ninth of Oct. 1845 to be Sheriff of Vancouver County

To J. W. Nesmith on the twenth day of September 1846 to be Captain of the first Company of Mounted Riflemen, called the Polk Guards

To William Taylor on the twenth day Sept. A.D. 1846 to be First Lieutenant of the Polk Guards

To Joshua Ap Donald on the twenth day of Sept. A.D. 1846 to be second Lieutinant of the Polk Guards

To Theophilus Magruder, on the eighteenth day of December 1846 to be Territorial Recorder of Oregon

To G. W. Bell, on the nineteenth day of December 1846 to be Territorial Auditor of Oregon

To Alonzo Skinner, on the twenty fourth day of December 1846 to be Circuit Judge of Oregon

To Richard Lane, on the fifteenth of January 1847 to be County Judge of Vancouver to entitle the general Election

To Joseph Caples on twenty first Dec. 1846 to be Sheriff of Clatsop until the general Election

4.

Court Records of, Oregon Territory

January 15th A.D. 1844.

Ahi Smith obtained a writ of replevin for a yoke of oxen detained by Nineveh Ford

Filed affidavit, and writ issued to the Sheriff returnable at the next term of court.

G. W. LeBreton Clerk of Court.

Second Term of Supreme Court of Oregon Territory.

Held at Tualita Plains third Tuesday in April A.D. 1844.

(O. Russell presiding assisted by R. Moore justice of the Peace)

Court opened at 10 O'Clock A. M.

First case called. Smith (versus) Ford

Writ of replevin issued in behalf of Ahi Smith on the 15th of January A.D. 1844. commanding the Sheriff to replevy one yoke of oxen unlawfully detained by Nineveh Ford, and summoning the said Ford to appear and abide the judgment of the Court.

The defendant plead for a non-suit on the informality of the bond given by the plaintiff The Court having decided the bond to be legally constituted, the defendant then applied for a continuance of the cause, on account of absence of testimony

The oath being administered the defendant stated the facts he wished to prove by those witnesses — When the court adjourned untill two o'Clock P. M.

2 o'Clock P. M.

Court opened pursuant to adjournment. The facts stated by the defendant being admitted by the plaintiff the trial proceeded.

Twelve jurors being empannel,d were first sworn at the request of the defendant to answer such questions as might be asked them relating to their knowledge of the case. after answering the questions, the jurors oath was administered, and they took their seats. The witnyses were then sworn as follows;

For the defendant	For the plaintiff
George W. Rice	James Waters
Mr Ruby	Calvin James
	Nathan Smith
	Anderson Smith

After hearing the evidence the court stated the law on the subject of replevin, and left the matter to be decided by the jury

After retireing one hour the jury brought in their verdict as follows.

"We the undersigned jurors in the case before us between Aki Smith. plaintiff and Nineveh Ford defendant, do find judgement in favour of the plaintiff for the property and cost of shit.

Signed J. W. Smith. Foreman

6

(Seal) Witness our hands and seal. O Rysdell } presiding Judge
R More } Justice of the Peace

O. Johnson Clerk of the Court

Court then adjourned to ten o'Clock tomorrow.

17th 10 o'Clock A. M.

Court opened pursuant to adjournment and no business being brought before it, it was dismissed at 12 o'Clock after the usual form.

Be it remembered,
That at a General Election held in Clackamas County on the first day of June A.D. 1846. the following named persons were severally elected by the qualified voters of said County, to fill the following described Offices — Do. Wit.

For Colonel — Wm. Finley
" Lieut. Colonel. — Sam'l Whitaker
" Major — Chas. M'Kay —

Clackamas County
" Abram Wright
A. L. Lovejoy } Representatives
W. L. Powell

Wm. Holmes — Sheriff
A. F. Hedges — Assessor
S. H. Lewis — Treasurer

Twalaty County
Oregon } 22d July 1844.

Robt Moore & others vs Richd Williams

Oath 6¼ Cts.
Writ 62½ " Writ of Replevin
Docketing 18¾ " directed to D. L. Rees Sheriff
Bond 25 " returnable 2d day 1st Term
Filing Writ 6¼ " Replevin writs served by the
Sheriff and Returned 31st July 1844

Issuing Subpoena 18¾

Twalaty County
Joseph L. Meek —
R. Mc. Lonsdale } Representatives
Laurence Hall —
No return for Sheriff
" " " Assessor
" " " Treasurer

Yamhill County
Thomas Jeffreys —
Absalom F. Hembree } Representatives

John G. Baker — Sheriff
William Mccoly — Assessor
Elijah Hendricks Treasurer

Clatsop County
George Summers — Representative
Thomas Owens Sheriff
& Assessor
Robert W. Monroe Treasurer

Duncomb County

Henry M. Reed — Representative
Geo. Ditton — Sheriff
" " — Assessor
Thomas Low — Treasurer

Lewis County

W. A. Polmie — Representative
Saml. Gardner — Sheriff
Enoch Peck — Assessor
M. Edmondson — Treasurer

Champion County

A. McDonald — } Representatives
A. Chamberlain }
Isaac Looney — }
Robert Reed }

William Martin — Sheriff
A. C. Faust — Assessor
W. P. Hughes — Treasurer

Polk County held on 16th day Nov 1846

A. E. Williams — } Representatives
A. D. Boone — }
Lewis Crawford — Sheriff
Luke Markham — Assessor
No return for — Treasurer

For the County Judges to be elected by the People the vote were 405 — and by the House 27 —

This is to certify that the above is a correct list of Officers elected, according to the several returns now on file at the Secretarys Office.

Attest, Fred. Page
Secretary

Oregon Records.

Be it remembered that at a Circuit Court began and held at Oregon City for Clackamas County on the 1st day of October A.D. 1844. There Present the Honble Sam L. Babcock Judge Joseph L. Meek Sheriff, and John Edwin Long Clerk, When the following proceedings were had.

The Sheriff having returned into Court here the Writ of Venire Facias, executed according to law upon Francis Ermatinger, P. H. Hatch S. W. Pettigrove, George Abernethy, Jno McLaughlin, Horace Stranght, J. C. Couch, A Wilson, L Morrison Richard Goodman J. W. Smith, and W. H. Gray to serve as Grand Jurors, and also the Writ of Venire Facias, executed according to Law upon, J. R. Robb H. H. Hide. Absalom Frazier, W R. Childers, P. M. Ware, Dwight Bonney. Peter Brainard, W. McKay S. M. Holderness, John Campbell Wm Renwick, J Hauen, Saml Vance Frederick Prigg. Wm L Frazier, P. B. Brooks James Hauck, Saml Chase. Jos Cannon, Thos Brown

to serve as petit Jurors

The Grand Jury having Heretofore been duly empannelled sworn and Charged according to law

and George Abernathy appointed their Foreman retired to Consider of their presentments.

There being no Circuit Attorney to prosecute for the County, the Court thereupon appointed A. L. Lovejoy Esqr to prosecute pro tem.

Nineveh Ford
v.
Anderson Smith
} Assumpsit

Now at this day came the Plaintiff by his attorneys and says he will no further prosecute his said suit, but prays the Court to permit him to take a nonsuit which is accordingly done. It is therefore Considered by the Court here, that the said defendant recover of the said Plaintiff his Costs by him about his said suit by him out and expended, and that he have execution therefor.

Hugh V Burns
v.
Robt Moore
} Petition

Now at this day came the said Plaintiff and well as the said defendant by their attorneys and after argument had and the Court being fully advised of and concerning the matters and things in said petition alleged; the Court thereupon dismissed said petition at

the Cost of the said Plaintiff. It is there-
fore Considered by the Court here
that the said defendant recover of
the said plaintiff his costs by him
in this behalf laid out and expended
and that he have execution therefor.

The Grand Jury returned into
Court here an indictment against
Alex R Stoughton, for an assault
upon the body of Nathan Eaton,
with intent to inflict a bodily injury
endorsed "a true Bill" and
retired further to Consider of their
Presentments.

The Court thereupon adjourned
to 9 O Clock to morrow A.M.

Attest
I. Stong
Clerk of Court

D L Babcock } Presiding Judge

Wednesday Oct 2d 1844

The Court met pursuant to adjournment.
The Grand Jury returned into Court here
an indictment against James Connor
for Challenging Elijah White to fight a
Duel with deadly weapons, endorsed
a "true Bill"

D L Babcock } Judge of Probate

2

Oregon
Vs
James Connor
} Indictment for sending a Challenge

Now at this day came the said defendant James Connor, into open Court, and saith that he is guilty in manner and form as alledged in said indictment, and for his punishment puts himself upon the Court. It is therefore Considered by the Court here that the said defendant make his fine of five hundred dollars to Oregon and that she recover of the said defendant her Costs in this behalf laid out and expended, and that she have execution therefor.

The grand Jury returned into Court here an indictment against Alexr R. Stoughton for an assault upon Nathan Eaton, with intent to Commit great bodily harm endorsed a "true Bill"

Oregon
Vs
Alexr R. Stoughton
} Assault with intent to inflict great bodily harm.

Now at this day came the said defendant Alexander R. Stoughton by his Attorney and saith that he is guilty in manner and form as alledged in said indictment,

and for his punishment put himself upon the Court. It is therefore considered by the Court here, that the said defendant, Mark R. Stoughton, make his fine to Oregon, of the sum of twenty five dollars, and that the recover of the said defendant her costs in this behalf laid out and expended; and that she have execution therefore.

All the business before the Court having been disposed of, the Court adjourned.

Attest
J. C. Long
Clerk of Court.

D. J. Babcock } Judge of Probate

Oregon Records.

Be it remembered that at a Circuit Court began and held at the Oregon Institute for Champoick County on the 8th day of Oct A. D. 1844. Were present the Honble Ira L. Babcock Judge. Joseph L. Meek Sheriff, and John E. Long Clerk when the following proceedings were had.

The Sheriff having returned into Court here the Writ of Venire Facias executed according law upon Joseph Jarvis, Pierre Belecque, Robt Newell, Atkin Lucier, Francis Birnie, Nicholas Montune, Louis Pichette, Elijah White, Joseph Garrison, Daniel Waldo, Alanson Beers, Thos D. Keizer, as grand Jurors, and also the Writ of Venire Facias executed according to law upon Andrew Bebon, David Weston, J. P. Black, Joseph Holman, Thos H. Smith, Joseph Mat, Bennet O'Neil, Lewis Laderoot, Nimrod Ford, Jeremiah Horgon, Thos McKay, Joseph Belnd, as petit Jurors.

The Grand Jury having Thereupon been duly empannelled Sworn and charged according to law, under Joseph Garrison appointed their Foreman retired to Consider of their Presentment

There being no Circuit Attorney to prosecute for the Country, the Court thereupon appointed A L Lovejoy Esqr to prosecute pro tem.

The Grand Jury here returned into Court an indictment against John Edmunds endorsed "Not a true Bill"

The Court adjourned to 9 Oclock to morrow A.M.

The Court Met pursuant to adjournment, there being no further business before the Court. The Court adjourned.

Attest
J. Clong
Clerk of Court.

A L Tibbetts } Judge
of Probate

Thos H Smith having taken the Oath as requires by law, in open Court at Champoick County Oct 9th 1844. was appointed Deputy Sheriff for the County of Champoick by Isaac L Babcock Judge.

Attest
J. Clong
Clerk of Court.

I L Babcock } Judge of
Probate

Oregon Records.

Be it remembered that at a Circuit Court began and held in Yamhill County on the 15th Day of Oct A. D. 1844. There present the Honble Ira L. Babcock Judge. John E. Long Clerk, and J. L. Meek Sheriff when the following proceedings were had.-

The Sheriff having returned into Court here the Writ of Venire Facias executed according to law upon John G. Campbell. Absalom Hembree, John Mannings. Jordan Hembree, T. J. Hubbard. Amos Cook, Medoran Crawford. Pleasant Armstrong, Francis Fletcher, John Larrison, Samuel Campbell, and Andrew Hembree, as grand Jurors.

The Grand Jury having therupon been duly empannelled, sworn and Charged according to law, and John G. Campbell appointed their foreman retired to Consider of their presentments.

There being no Circuit Attorney to prosecute for the Country, the Court thereupon appointed A. L. Lovejoy Esq to prosecute pro tem.

There being no business before the Court, the Court Adjourned.

Attest

J. Elong

Clerk of Court.

Oregon Records.

Be it remembered that at a Circuit Court began and held in Twalaty County on the 22nd day of Oct A.D 1844.

Were present Wm. L. Babcock Judge Joseph L. Meek Sheriff and John E. Long Clerk when the following proceedings were had.

The Sheriff having returned into Court here the Writ of Venire Facias executed according to law upon Henry Buxton, Robt. Powell, Alex. McKay, Archibald Spencer, David Hill, Walter Pomroy, Richd Ough, Charles McKay, John Slette, Lewis Cooper, Henry Black, Jacob Doran as Grand Jurors.

And also the Writ of Venire Facias executed according to law upon Wm Baldrick, Walter J. Matteney, David Slette, William Slette, Garrett McGary, as Petit Jurors.

The Grand Jury having thereupon been duly empannelled sworn and charged according to law, and David Hill appointed their foreman, retired to Consider of their presentments.

There being no Circuit Attorney to prosecute for the Country the Court thereupon appointed Peter H. Burnett Esqr to prosecute pro tem.

The Court adjourned to 10. O. Clock to morrow

18. The Court met pursuant to adjournment.
The Grand Jury returned into Court here an indictment against A. W. Dawson for an assault with intent to Commit Murder endorsed "A true bill"

The Grand Jury returned into Court here an indictment against Anderson Smith for an assault with intent to inflict injury endorsed "A true Bill"

Robt Moore
v
Richd Williams } Replevin

Now at this day came said Plaintiff by his Attorney and prays the Court to grant him a Continuance of his Case, which is accordingly done. It is therefore Considered by the Court here that the said defendant recover of the said plaintiff his Costs by him about his said suit laid out and expended, and that he have execution therefor.

Nineveh Ford
v
Anderson Smith } Assumpsit

Now at this day Came the Plaintiff by his Attorney, and the Sheriff having returned into Court the previous summon not served, he the said Plaintiff prays the Court to grant

19.

him an alias Summons which was granted accordingly.

It is therefore considered by the Court here that the said defendant recover of the said plaintiff, his costs by him about his said suit, laid out ~~by him~~ and expended, and that he have execution therefor.

Felix Nathaway
v. } Assumpsit
Elijah White

Now at this day came the Plaintiff by his Attorney, and pray the Court to grant a Continuance of his Case which is accordingly done.

It is therefore considered by the Court here, that the said defendant recover of the said plaintiff his costs by him about his said suit laid out and expended, and that he have execution therefor.

There being no further business before the Court, the Court adjourned.

Attest

S. Olney
Clerk of Court.

A. L. Babcock } Judges
Probate

Oregon Records

Be it remembered that at a Circuit Court began and held at Oregon City in the County of Clackamas on the first day of April in the year of our Lord 1845. Were present the Honble J. W. Nesmith Judge, John E. Long Clerk, and Joseph L. Meek Sheriff when the following Proceedings were had.

The Sheriff having returned into to Court here the Venire Facias executed according to law upon. Jarvis Ermatinger. J. R. Robb, Henry A. G. Lee, Thos. McGruder, Charles Bennett, C. B. Hawley, Frederick Ford John Force, William Kennick, L. L. Morrison. Frederick Prigg. and Hiram Straight as Grand Jurors.

The Grand Jury having therefore been duly empannelled, sworn and charged according to law, and Henry A. G. Lee appointed their Foreman, retired to consider of their presentments.

Samuel Lance
vs.
William Holmes & James Hacick

Now at this day came the said Plaintiff by his Attorney and saith, that he will no further prosecute his said suit, but prays the Court to permit him to take a nonsuit.

which is done accordingly.
It is therefore considered by the Court here that the said Defendant recover of the said Plaintiff his costs by him about his said suit by him in this behalf out and expended and that he have execution therefor.

Nathan Eaton
vs
Thos. H. Stonestreet
Sept. 12. Stonestreet

Now at this day came the said parties by their attorneys, and both parties being ready for trial, there upon came a jury to wit:
Dwight Pomroy, Nathan Mack, Richard Johnson, John L. Douglass, James Walsh, L. Everhart, John M. Shively, Hezekiah Smith, Richd McCary, William H. Gray, Edward Mc Gruder and Jarred Clyman, good and lawfull men of Oregon who being duly sworn and empannelled, returned into Court here the following verdict to wit:
"We the jury find the Issue for the Plaintiff, and assess his damages at One Hundred and forty six dollars and sixty Cents."
It is therefore considered by the Court here that the said Plaintiff recover of the said Defendant the said sum of One Hundred and forty six Dollars and sixty Cents,

together with his costs and charges, by him in this behalf laid out and expended and that he have therefor execution.

Whereupon the Court adjourned to 9. O.Clock to Morrow Morning

Attest
J. C. Long
Clerk of
Court.

J. W. Smith Judge

1845
April 2d 1844.

The Court met Pursuant to adjournment. Now at this day came A. L. Lovejoy on behalf of John McLoughlin and Robt Moore, and made application to the Court here, and for a licence to keep a ferry across the Willamette River at the falls of the same and after argument had, and the Court being fully advised of and concerning the matters and things in said application set forth, The Court thereupon refused to grant said licence. It is therefore considered by the Court here, that said applicants pay the Costs of Court, in this behalf incurred, and that execution be issued therefor.

Hugh Burns, Petition.

Now at this day came said petitioner by his Attorney into Court here, and prays for a licence to keep a ferry across the Willamette river at the falls thereof, and after argument had,

and the Court being fully advised of and concerning the Matters and things in said petition alledged. The Court thereupon refused to grant said license. It is therefore considered by the Court here, that said petitioner pay the Costs of Court in this behalf incurred, and that execution be issued therefor.

The Grand Jury came into Court here and reported, that during the sitting of the Court, they have had some important Matters under Consideration, but in consequence of the absence of one necessary witness they could not pursue their investigations further, and consequently had no Bill to present.

Whereupon the Jury was dismissed by the Court.

William H. Gray & Others. } Petition

Now at this day came said petitioners into Court here, and prays the Court to cause a road to be located and established from Oregon City, to the Clackamas River; said petition being signed by 15 householders residents of Clackamas County, and the Court being fully satisfied that due notice had been given according to law in such cases made and provided,

Thereupon the Court appointed James R. Robb, Chas. E. Picket and Ormond Ford, to be road viewers; to view and mark out a route for said

road, and make a report of their doings at the next Sitting of the Circuit Court in Klackamas County.

Martha Jane Rice
vs
Steven M. Rice } Petition Bill for Divorce

Now at this day came the said Complainant, by her Solicitors, and prays the Court here to dismiss her said Bill of Complaint Without prejudice, which is done accordingly.

James R. Robb
vs
Fendall C. Cason } Debt

Now at this day came the said Plaintiff by his Attorney and saith that he will no further prosecute his said suit, but prays the Court to permit him to take a nonsuit, which is accordingly done. It is therefore Considered by the Court here, that the said defendant recover of the said Plaintiff his Cost by him about his said suit laid out and expended, and that he have execution therefor.

Absalom J. Hembree
vs
Henry H. Hyde } Assumpsit

Now at this day came said Plaintiff and saith, that he will no further

Prosecute his said suit, and prays the Court here to grant him a nonsuit, which is done accordingly. It is therefore considered by the Court here, that by the consent of parties, the said defendant pay the said plaintiff his costs by him in this behalf laid out and expended, and that he have execution therefor.

Now at this day the following decree was made by the Court here. To wit:

To William Holmes of Clackamas County Oregon.

By the Authority vested in me, you are hereby commanded to perform the duties of Overseer of that portion of the Public road in Clackamas County, to which you was appointed Overseer by an act of the Legislature Passed June 1844. You will fill the above appointment for one year from the date of the expiration of your term of service as P. Act above refer'd to.

Attest. I. C. Long. Signed J. W. Nesmith Judge

There being no further business before the Court, the Court adjourned.

Attest
I. C. Long
Clerk of
Court.

J. W. Nesmith Judge C.C.

Oregon Records.

Be it remembered, that at a Circuit Court began and held at the house of Klein Lucier in Champoick County on the Eighth day of April A.D. 1845. There present the Honble J. M. Prevmith Judge, John E. Long Clerk and Joseph L. Meek Sheriff, when the following proceedings were had.

The Sheriff having returned into Court here the venire Facias, executed according to Law upon Klein Lucier, Joseph Gattan, Joseph Javis, Charles Rondeau, Nicholas Montour, Joseph La. Rocque, John Edmunds, John McCaddon, John H. Pasmore, Robert Newell, Francis Pichette, Joseph de Lor, and John McCallen was appointed their foreman.

The Grand Jury having been duly empannelled, sworn and Charged according to Law, retired to Consider of their presentments. When the Court adjourned to 9 O. Clock to morrow.

The Court met pursuant to adjournment, whereupon the following appointments were made.

Robert Newell of Champoick, was appointed Overseer of that Portion of the Road in Champoick County which he was appointed by an act of the Legislature passed in June 1844, said Robert Newell is Commanded

to fill said Office of Overseer, and discharge the duties of the same for the Term of one year from the date of the expiration of his appointment by the Legislature as aforesaid.

Also Daniel Waldo was appointed to be Overseer of that portion of the road in Champlain County, to which he was appointed by an act of the Legislature passed in June 1814.

Said Daniel Waldo is Commanded to fill said Office of Overseer, and discharge the duties of the same, for the term of one year from the date of the expiration of his appointment by the Legislature aforesaid.

Thomas Smith
v
Wesley Hanxhurst } Issues pleas

Now at this day came the said Plaintiff and saith, that he will no further prosecute his said suit, and prays the Court here to grant him a nonsuit, which is done accordingly.

It is therefore considered by the Court here, that the said Plaintiff pay the said Defendant his costs by him in this behalf laid out and expended, and that he have execution therefor.

John. H. Couch
v
William. J. Bailey
} Assumpsit

Now at this day came the said Plaintiff, as well as the said Defendant, by their attorneys. And the said Plaintiff prays the Court to grant him a Continuance of this Case, which is done accordingly.

The Grand Jury returned into Court here, and said they had no business under consideration, whereupon they were dismissed by the Court. And the Court adjourned.

Attest
I. Ehong
Clerk of
Court.

W. Wilmuth Judge C Court

Oregon Records

Be it remembered that at a Circuit Court began and held at the house of Clark and Campbell in the County of Yam Hill on the 15th day of April A.D. 1845, there present the Honble J. W. Nesmith Judge. John E. Long Clerk and Thomas Smith Sheriff, when the following proceedings were had.

The Sheriff having returned into Court here the venire Facias executed according to law upon. Henry Hewitt, Andrew Hembree. Joel J. Hembree, John Richardson Pleasant Armstrong. Daniel Matheney Elijah Millican. Madison Malone. Moses M. Harris. Ransom Clark. Walter Matney & Thomas Owens.

The Grand Jury having been duly empannelled, sworn and Charged, according to law, and Ransom Clark appointed their Foreman. retired to Consider of their Presentments.

H. Saylor }
and Others } Petition for a road.

A petition was presented to the Court here, praying the Court to authorize the establishment of a road from Smiths Landing on the Yam Hill river, to the mouth of the Creole river in Yam Hill County. Whereupon John Richardson Lancaster Plymen and John Manning were appointed to view out the route for said road, and report at the next Court in Yam Hill County.

Daniel Matheny — Petition for a ferry

Application was made to the Court here for authority to establish and keep a ferry across the Willamette river at the Farm now occupied by Daniel Matheny, to the the opposite side of said river at the Farm now occupied by David Carter. Whereupon the Court granted a license to Daniell Matheny to establish and keep said ferry for ~~one~~ three * years from the date of his license, subject to the laws that govern ferries in Oregon. For which said license, said Daniel Matheny shall pay the sum of Eight Dollars annually * for the use of Oregon, and be authorized to receive the following rates for ferriage.

Viz:	For a man & horse	37½
"	Every head of cattle horses	10
"	Every head of sheep & hogs	5
"	Every 100 lbs of good and other freight	5
"	Every Waggon team	2.00
"	Every Cart & horse	1.00
"	Every Pleasure Carriage	1.00
"	Every Single footman	18¾

* The above Mistake and erasure was made by the Court before the record was signed by the Judges.

J. W. Smith Judge & Court

Attest
J. E. Long
Clerk of Court

The above license was given to Daniel Matheny on the 2d July 1845. for which he Paid Eight Dollars to the Treasury. J. Chong Clerk

Oregon Records.

Be it remembered that at a Circuit Court began and held at the School house in Tualaty County on the 22d day of April A. D. 1845. there present J. W. Nesmith Judge. Joseph L. Meek Sheriff and Sidney W. Moss deputy Clerk, the following proceedings were had.

The Sheriff having returned into Court here the venire Facias executed according to law upon, Morton M. McCarver Samuel Crowder, Jacob Hoover, Robt Shortess, Henry Buxton, A. L. Lucherry, Alexr Bleaing, Adam Hewitt, John Holman William Braddock, William Higgins, and John Flett.

The Grand Jury having been duly empannelled, sworn and charged according to law, and M. M. McCarver appointed their foreman, retired to consider of their presentments.

Whereupon the Court adjourned to 9 O Clock to Morrow Morning.

April 23d 1845.

The Court met pursuant to adjournment.

The Grand Jury returned into Court here an indictment against James White, endorsed "a True Bill".

Vincent Ford
v
Anderson Smith } Assumpsit

Now at this day came the Plaintiff and saith, that he will no further

prosecute his said suit, and prays the Court to grant him a Nonsuit, which is done accordingly. It is therefore considered by the Court here, that by the consent of parties, the said Defendant, pay the said Plaintiff his Costs by him in this behalf laid out and expended, and that he have execution therefor.

Robt Moore
v
Richd Williams } Replevin

Now at this day came the said parties by their attorneys, and both parties being ready for trial, thereupon came a Jury To Wit: John Flett, ~~Daniel Clark~~ Chas McKay, ~~Wesley Merritt~~, ~~James Yeomans~~, ~~William Baldwin~~ George Lewis, Jacob Doran, Richard ~~Williams~~ Cuff, Lucius M. Mills, David Flett, Wm Colborne, ~~Robt Fee~~ Benjamin Pompey, ~~John B. Jackson~~ William Mozee, V. W. Dawson, good and lawfull men of Oregon, who being duly sworn and empannelled returned into Court here the following Verdict, to Wit: "We the Jury find the Issue for the Plaintiff, and assess his damages at fifty Cents" It is therefore considered by the Court here, that the Plaintiff recover of the said defendant the said sum of fifty Cents, together with his costs and charges by him in this behalf laid out and expended, and that he have execution therefor.

Oregon
In
N. W. Dawson } Indictment for Assault

& now at this day came the said Defendant and doth that he is "not Guilty" as in Manner and form alledged in said Indictment, Whereupon came a jury To wit: Henry Buxton, James Gorrish, David Flett, William Baldra, William Higgins, Daniel Clark, & S. L. Zachary, Jacob Dorian, George Ebbert, Robt Poe, John Flett, Caleb Wilkins, good and lawful Men of Oregon, who being duly Sworn and impannelled, returned into Court their the following Verdict To wit: "We the jury do find the Defendant a not Guilty." Whereupon the said defendant was fined, and paid, fifteen dollars for Contempt of Court during the progress of said trial.

Oregon
In
A Anderson Smith } Indictment for Assault

& Anderson Smith now at this day came the said defendant and doth that he is "not Guilty" as in Manner and form alledged in said Indictment, Whereupon came a jury To wit: Henry Buxton, James Gorrish David Flett, William Baldra, William Higgins, Daniel Clark, & S. L. Zachary, Jacob Dorian, G. W. Ebbert, John Flett, Caleb Wilkins, J. W. Smith, good and lawfull men of Oregon, who being duly Sworn and impannelled

returned into Court here the following Verdict To wit: "We the Jury do find the Defendant not Guilty."

Henry H. Hyde
vs
Alex R. Livingston
} Complaint

Now at this day came the said Plaintiff as well as the said defendant by their Attorneys and after argument had, and the Court being fully advised concerning the matters and things alledged in said Complaint, The Court thereupon dismissed the said Complaint at the cost of the Plaintiff. It is therefore considered by the Court here that the said defendant recover of the said Plaintiff his costs in this behalf laid out and expended, and that he have execution therefor.

Isaac N. Smith
vs
John Cunningham
} Appeal

Now at this day came the said Plaintiff, as well as the said defendant by his Attorney, and both parties being ready for trial. Thereupon came a Jury as follows to wit: John Flett, Daniel Clark, James Gerrish, William Baldra, Jacob Doran, Richd. Williams, Owen Mills, David Flett, C. Osborn, Robert Poe, John B. Jackson, and W. W. Dawson, good and lawfull Men of Oregon, who being duly sworn and empannelled returned into Court

here the following verdict to wit:
"We the Jury find the Issue for the Plaintiff and assess his damages at fifty Cents." It is therefore considered by the Court here that the said Plaintiff recover of the said defendant the said sum of fifty cents, together with his costs and charges by him in this behalf laid out and expended and that he have execution therefor.

It being the duty of the Court to appoint capable and discreet persons, possessing the qualifications of electors, to act as judges at the next general election in the different election precincts in Dayton, The Court therefore appointed the following persons in the Counties and precincts respectively, which said judges to perform the duties of their offices, until others are appointed to succeed them, To wit:

William Holmes } At F.W. Pettigrews house
J. L. Morrison } Blackamore
Minnich Ford }

Joseph Gattan } At Hanson Bers house
L. H. Judson } Champion
Thos. D. Riezer }

John Barker } At P. Armstrongs house
Daniel Matheny } Jam. Hill
Hezekiah Armstrong }

William Higgins } At Chas McKays house
Caleb Wilkins } Twalaty Plains
John Holman } Western Precinct

James Stacy } At Hugh Burns house
Hugh Burns } Twalaty County
Robt Moore } Eastern Precinct

Saml N. Smith }
Calvin Tibbits } Clatsop
J.L. Parish }

The Court also appointed Benjamin Tucker to be Overseer of that portion of the Public road in Twalaty County leading from the point where the road from Linnton first strikes the Twalaty Plains up through Chadwicks Valley to the falls of the Yam Hill River, and that David Lennox deliver said Section the Law on roads in his possession. The Court adjourned to tomorrow

Attest
V. E. Long
Clerk of Court

O. C. Pratt Judge of Court

April 24th 1845

The Court met pursuant to adjournment Application now made to the Court heretofore by Petition, signed by Robt Moore and others, for an Election Precinct in Twalaty County, which was granted as follows to wit: Commencing at the Southern limits of Twalaty County, on the Willamette

river, thence down said river to the North-
=ern boundary of William Johnsons farm,
thence West ten miles, thence to the
Southern boundary of Twalaty County,
thence East along said boundary to the
place of beginning; to be called the "Eastern
Precinct of Twalaty County."

The Court appointed the following persons
to be Overseers of roads in Twalaty County.
To wit: William Beagle to be overseer of
that portion of the road in Twalaty County
leading from Linton to where the ~~road~~
road first strikes the Twalaty Plains; said
William Beagle to fill the said office, and
perform the duties of the same for the term
of twelve months from the date of the expiration
of his appointment by an act of the Legis-
=lature passed in June 1844.

Hugh Burns to be overseer of that por-
=tion of the road in Twalaty County leading
from the Willamette falls to the Butte, and
that he perform the duties of said office
for twelve months from the date of the
expiration of his appointment by an act
of the Legislature passed in June 1844.
George W. Ebbert to be overseer of that portion of the
road leading from the Butte to Twalaty plains, and
that he perform the duties of said office for the term
of twelve months from the 22d June 1844.

There being no further business before the
Court, the Court adjourned.

Attest

I. C. Long
Clerk of Court

W. W. Smith Judge
Circuit Court

Be it Remembered

that at a General Election held in Oregon on the 3d day of June A. D. 1845. The following named persons were duly Elected by the qualified voters to fill the following described Offices.

For Executive George Abernethy
" Judge James W. Nesmith
" Circuit Attorney Marcus Lore
" Treasurer Jno Ermatinger
" Clerk — John E. Long
" Assessor Sidney W. Moss
" Sheriff Joseph L. Meek
" Colonel James Waters
" Lt Colonel Charles Bennett
" Major John Baker

Klackamas County Officers
" Legislature H. A. G. Lee
" " Wm H. Gray
" " Hiram Straight
" Justice of Peace Frederick Prigg
" Constable Henry H. Hyde

Champoick County Officers
" Legislature J. M. Garrison
" " M. G. Foisy
" " Robert Newell
" " Barton Lee
" Justice of Peace F. X. Matthieu
" Constable F. Longevin
" " John W. Rowe

Over

E.J.

Twality County Officers

For Legislature M. M. McCarver

" " Isaac N. Smith

" " David Hill

" Justices of Peace Felix Hathaway

" " " William Barriss

" " " John Holman

" Constable George W. Ebbert

" " Robert Paw

Yam Hill County Officers

" Legislature Jesse Applegate

" " Elijah Hendricks

" Justice Joel P. Walker

" " I. I. Henderson

" Constable Samuel Campbell

" " Henry Hill

Clatsop County Officers

" Legislature John McClure

" Justice W. J. Perry

Allen Davy and D. King having received an equal number of votes for the Office of Justice of the Peace in Champoick County, and Thos. Owens and Calvin Tebbits having received an equal number of votes for the Office of Constable in Clatsop County, Consequently there was no Election for said Offices in said Counties.

Attest

I. E. Long

Clerk

Wm. M. McKay & Co

Field & Pagg Justice

Dated at Oregon City this 10th day of June 1845.

40.

Be it Remembered That I. M. Moss, David Hill, and James A. They have Appointed Road viewers, to view out, and make any alterations they may deem ~~to be~~ necessary (as per Act.) in the road leading from the Willamette Falls to Tualaty Plains. and report the same to Hugh Burns and George W. Ebbert Surveyor of said Road

Oregon City
7th July 1845.

I. C. Long
Clerk of
Court

Be it Remembered. that H. Burns Justice of the Peace is appointed to perform the duties of Alloting Justice for Tualaty County.

I. C. Long
Clerk of
Court

Oregon City
7th July 1845

Be it Remembered.

That on the 26th day of July A. D. 1843. A General Election duly held in Oregon as appointed by Law for the purpose of taking the vote of the people on the adoption of the old or the Commercial Organic Laws, which vote was as follows. To wit:

~~Twalaty County~~	Old Organic Law	Amended Organic Law
Twalaty County	34	42
Champoick County	5	121
Yam Hill County	12	39
Clackamas County	1	37
Clatsop County		16
	52	255

Also an Election was held in Twalaty County on the aforesaid day. to take the vote of the people in said County on the location of the County seat of the same which was as follows, to wit:

	E.P.	W.P.	total
For Columbia	46	2	42 votes
" Burnetts Plain	2	2	4 "
" Chas McKays Plain	17	10 — Multnomah	"
	56	14	

Attest

A. E. Long
Clerk.

W. W. Smith Judge of
Circuit Court
Fred C. Prigg J. P.

42.

Be it Remembered

That on this fifth day of August A. D. 1845. Upon the application of Robert Moore and John McLaughlin, a joint license was granted them by me, to keep a ferry across the Willamette River from Oregon City to the Rotten neck, for the Term of Three years from the first day of Sept next, subject to the laws regulating ferries; Upon Paying into the Treasury of Oregon the Sum of Twenty five Dollars Annually. — And they are hereby authorized to Charge the following rates for ferriage. To wit:

For a single footman		12½ cts
" a Single Person and horse		25 "
" Every Waggon and Team		1.50 "
" " Head of Cattle & Horses		6¼ "
" " Cart & Team		75 "
" " Head of Sheep & Hogs		3 "
" " Pleasure Carriage		75 "
" " 100 lbs of goods and other freight		5 "

Attest
A. L. E. Long
Clerk

A. L. Williamette County Court

4 5

Be it Remembered.

That on this fifth day of August A.D 1845. Upon the Application of Hugh Burns a License was granted him by me to keep a ferry across the Willamette River from Oregon City to Multnomah City, for the term of Three Years from the date hereof, subject to the Laws regulating ferries: upon Paying into the Treasury of Oregon the sum of Twenty five Dollars annually; and he is hereby authorized to charge the following rates for ferriage, To Wit:

For a single Footman	12½	Cts
" a single Person & Horse	25	"
" Every Waggon & Team	1.50	"
" " Head of Cattle & Horses	6¼	"
" " Cart & Team	75	"
" " Head of Sheep & Hogs	3	"
" " Pleasure Carriage	75	"
" " 100 lbs of goods and other freight	5	"

Attest
J. E. Long
Clerk

J. W. Nesmith Judge
C/C Circuit Court

44 Commissions Issued.

Be it Remembered

That on the 3d day of Sept 1845. the following named persons were duly Commissioned by the Governor of Oregon Territory to fill the offices as follows respectively. To Wit:

Francis Comatinger to be Treasurer for Oregon.

Peter G. Stewart to be Judge of Klackamas District Court, and President of said Court for 3 years.

Frederick Prigg to be Judge of Klackamas District Court for two years.

Francis W. Pettigrue to be Judge of Klackamas District Court for one year.

William Holmes to be Sheriff of Klackamas District.

Jas. A. O'Neil to be Judge of Yam Hill District Court for 3 years and President of said Court.

Joel. J. Hembree to be Judge of Yam Hill District Court for 2 years.

Joel. P. Walker to be Judge of Yam Hill District Court for one year.

Absalom. J. Hembree to be Sheriff of Yam Hill District.

William T. Perry to be Judge of Clatsop District Court for 3 years, and President of said Court.

Robert Shortess to be Judge of Clatsop District Court for two years.

Calvin Tibbitts to be Judge of Clatsop District Court for one year.

Jno. Owens to be Sheriff of Clatsop District

John. E. Long to be Secretary of Oregon Territory.

James Douglas to be District Judge for Vancouver District for 3 years and President of the said District Court.

Attest

J. E. Long

Secretary.

Commissions Issued.

Be it Remembered

That the following named Persons were Commissioned according to Law, by the Governor of Oregon Territory, as follows To Wit: On the 4th day of Sept 1845. John R. Jackson to be Sheriff of Vancouver District until the Annual Election in 1846.

Peter H. Burnett on the 6th Sept 1845. to be Judge of the supreme Court of Oregon Territory for the term of Four years.

Hannah Higgins on the 8th Sept, 1845. to be Judge of the District Court of Twalaty District for two years.

Francis X. Matthew on the 8th Septr 1845 to be Judge of the District Court of Champoick District for two years.

William Morison on the 17th Sept 1845 to be Sheriff of Champoick District.

William Burriss on the 26th Septr 1845 to be Judge of Twalaty District Court for one year.

Daniel Waldo on the 17th Septr 1845 to be Judge of Champoick District Court for one year.

Robert A. Pol on the 27th Sept 1845 to be Sheriff of Twalaty District until next Annual Election.

B Z Tucker on the 27th Sept 1845 to be Judge of Twalaty County Court for 3 years and President of said Court.

W. H. Willson on the 1st Oct 1845 to be Judge of Champoick District Court for 3 years.

Marcus Ford on the 7th Oct 1845 to be Prosecuting Attorney for Oregon Territory.

Robt Moore on the 27th Oct 1845 to be Judge of Twalaty District Court for 2 years, (Vice Mr. Higgins Resigned)

Joseph L Meek on the 1st Nov 1845 to be Marshall of Oregon Territory.

Attest. J. Ko. Long Secretary

4.

In Vacation. September 6th 1845.

Be it remembered that there being no Clerk of the Supreme Court of Oregon Territory I. Peter H Burnett Judge of said Court, have appointed, and by these presents do appoint I. E. Long Clerk of said Court, who shall hold his office until the next meeting of the Legislature; - Done in Vacation the day and year aforesaid,

Signed Peter H Burnett

Judge

It is ordered that the said I. E. Long enter into bond to the Territory of Oregon in the penalty of five Hundred Dollars with good and sufficient security, as the Law direct.

Signed Peter H. Burnett

Judge

In Vacation September 6th 1845.

Be it Remembered that I Peter H. Burnett Judge of Supreme Court of Oregon Territory and ex officio Judge of the Criminal Court of Oregon Territory - do by these Present appoint I. E Long, Clerk of the said Criminal Court who shall hold his office until the next Meeting of the Legislature -

Done in Vacation the day and year aforesaid...

Signed Peter H. Burnett

Judge.

It is ordered that the said Long enter into bond to the Territory of Oregon in the penalty of five Hundred Dollars, with good and sufficient Security as the Law directs. Signed Peter H. Burnett Judge

Attest. I. E. Long Secretary.

Be it Remembered
That the District Court of Clackamas District having notified me that they had, in vacation appointed Sidney M. Moss to be the Clerk of said Court until the next sitting of the House of Representatives: I have this day delivered to said Moss all the Papers in my possession in relation to said Court and took his receipt therefor.
9th Sept 1843. Attest J. E. Long
Secretary

Be it Remembered
That Thos. H. Smith having refused to accept the Office of Sheriff for Twality District to which he was Elected by the House of Representatives. Thereupon the Governor appointed, and Commissioned Robt. N. Poe to said Office, to hold the same until the next Annual Election.
Dated Oregon city Attest
16th Sept. 1843. J. E. Long
Secretary

Be it Remembered
That a Verdict to the amount of one Hundred and forty six dollars and sixty Cents having been rendered at the Circuit Court held in Klackamas County on the first day of April 1843. against Alex. R. Stonyhton in favour of Nathan Eaton - and a writ of Execution having been issued by the Clerk of said Court to the Sheriff of Oregon against said Stonyhton, whereupon the said Stonyhton demanded a stay of Execution, which stay was allowed until

the first day of October 1845. upon which day the said Stonyhton by his Security John Force paid the full amount of the said Verdict with interest thereon amounting in all to $148.43 which Amount was placed to the credit of the said N. Eaton the same day at the Store of Geo. Abernethy Oregon City.

Dated Oregon City
1st Oct 1845. I. E. Long
Secretary.

Be it remembered that E. E. Parish having refused to accept the Office of District Judge for Champoick District, to which he was Elected by the House of Representatives. Thereupon the Governor appointed and Commissioned W. H. Wilson to fill said Office, to hold the same for 3 years. Attest

Dated Oregon City I. E. Long
1st Oct 1845. Secretary.

Be it remembered that F. W. Pettigrove and Peter G Stewart having resigned their Offices as Judges of the County Court of Klackamas County, and the fact having been communicated to the House of Representatives, By the Gov., Thereupon the House Elected Chas E Pickett for 2 years and Simpson White for one year to fill said Vacancies.

The House also elected Wm Golden Judge of Clatsop County Court for one year, instead of Robt Shortess resigned.

Attest I. E Long
Secretary.

Commissions Issued.

Be it Remembered that the following Commissions were Issued from the Secretary Offices on the dates Respectively To-Wit: To William Hughes on the 20th Decr 1845. to be Sheriff of Champoick District.

To William Golden Judge of Clatsop County Court for one year, Issued on the 24th Decr 1845.

To Charles E. Picket Judge of Clackamas County Court for two years. Issued on the 26th Decr 1845.

To F. Prigg Judge of Clackamas County Court for ~~three~~ two Years, instead of his former Election for ~~two~~ one Year — the last commission issued on the 30th Decr 1845.

To Michael T. Simmons on the 24th Janry 1846. to be Judge of Vancouver County Court for two years.

To Henry M. Knighton on the 6th Febry 1846, to be Marshall of the Territory.

To William G. T. Vault on the 6th Febry 1846. to be Prosecuting Attorney for Oregon.

Attest I. E. Long
Secretary

To John H. Couch on the 4th March 1846 to be Treasurer of Oregon Territory (Vice T. Ermatinger)

Attest I. E. Long
Secretary

To A. L. Lovejoy, on the 10th March to be Prosecuting attorney for Oregon Territory (Vice W. G. T. Vault resigned) Attest I. E. Long
Secretary

To I. M. Garrison, on the 6th April to be Presiding Judge of Champoick County Court — Attest I. E Long
Secretary

To J. P. Martin on the 16th April 1846 to be Sheriff of Champoeg County. Attest I. E. Long
Secretary

Resignations.

Be it Remembered that on the 26th day of Jany 1846 Marcus Ford resigned the Office of Prosecuting Attorney for Oregon Territory. Attest J. F. Long Secretary.

Be it Remembered that on the 2d day of Feby 1846 J. L. Meek resigned the Office of Marshall for Oregon Territory. Attest J. F. Long Secretary

Be it Remembered that on the 3d March 1846 Fred. Ermatinger resigned the Office of Treasurer of Oregon Territory. Attest J. F. Long Secretary

Be it Remembered that on the 5th March 1846 M. L. L. Vault resigned the Office of Prosecuting attorney for Oregon Territory. Attest J. F. Long Secretary.

Be it remembered that on the 6th April 1846 W. H. Wilson resigned the Office of Judge of Champoick County Court. Attest J. F. Long Secretary.

Be it remembered that on the 4th day of April 1846 James A. O'Neil resigned the Office of Judge of Yam Hill County Court. Attest Fred. Prigg Secretary

Be it remembered that on the 26th day of June 1846 Fred. Prigg resigned the Office of Presiding Judge of Clackamas Co. & Judge of Probate — Attest Fred. Prigg Secretary

Be it remembered, That at the June Term of the Supreme Court of Oregon Territory began and held at Oregon City on the 1st day of June, A.D. 1846 — there were present the Hon. Peter H. Burnett Supreme Judge — Henry M. Knighton, Marshal and John C. Long, Clerk, when the following proceedings were had:

The Court being opened in due form by the Marshal, was by order of the Judge adjourned to 9 o'clock to-morrow morning. ——

Peter H. Burnett.
Judge.

Oregon City June 2d 1846

The Court met pursuant to adjournment. The Judge read the rules of the Court in relation to practice in the Supreme Court. When W. L. Vault. A. Lovejoy and O'Neil were severally sworn, "faithfully to demean themselves as Attorneys and Counsellors at law to the best of their ability" and authorized to practice law in the Supreme Court of Oregon Territory.

Now at this day came James B. Stevens, by his Attorney A. Lovejoy in open Court, and prayed the Court to grant him a license to keep a ferry across the Willamette river at Portland; upon which application the Court gave the following opinion, To Wit:

"This is an application for ferry license, under an act of the Oregon Legislature, conferring the power to grant such license upon the Supreme Court. The Organic Law provides that this Court

(over)

Shall have Appellate Jurisdiction only, except in Criminal Cases. The act of the Legislature therefore Contravenes the Organic Law, and this Court. Therefore refuses the application".

The Court adjourned to one O'clock P. M.

At one O'clock P. M. the Court met.

J. H. Couch } Appellee } Appeal from the
vs } County Court of
W. J. Bailey } Appellant } Champoeg.

Upon a suggestion by the Appellants Counsel, of a diminution of the record in this case, it is ordered that a writ of certiorari, returnable to the next term of this Court, issue to the clerk of the Champoeg County Court, commanding him to send up a more full and perfect transcript of the record in this case; and this case is continued until the next term of this Court.

Ordered that the following be adopted as rules of this Court, To Wit:

Rules of the Supreme Court of Oregon.

1st The first business of the morning session will be the reading of the record.

2d Motions will be taken up and considered immediately after the reading of the record.

3d All motions must be in writing, and filed one day at least before hearing.

4th When a motion is founded upon matter of fact not admitted, and extraneous of the record, it must be supported by affidavit.

5th Errors must be assigned in writing, and filed on or before the first day of the term.

6th The Plaintiffs counsel will open the argument of the case: he will be replied to by Defendants counsel, who will be answered by plaintiffs counsel, when the arguments will be closed.

7th When application is made for a certiorari it must be accompanied by an affidavit, stating the particular defect in the transcript.

The Court then adjourned to the Court in course.

Attest I. E Long
Clerk

Peter D. Bennett
Judge.

Be it remembered that at the June Term of the Criminal Court of Oregon Territory, began and held at Oregon City on the Eighth day of June A.D. 1846. There were present, the Honble Peter H. Burnett Judge. Henry M. Knighten Marshall, and John E. Long Clerk When the following proceedings were had.

Alonzo A. Skinner being duly sworn, was authorized to practice Law in the Criminal Court of Oregon Territory.

Oregon Territory } Indictment for bearing a
vs
Ransom Clark } Challenge to fight a duel.

Now at this day came the said defendant by his attorney W. G. T'Vault and moved the Court here to quash said Indictment: Which Motion the Court sustained, and the Indictment was quashed.

It is therefore considered by the Court here that the said defendant recover of the County of Clackamas his costs in this behalf laid out and expended, and that the said defendant go hence without day.

Oregon Territory } Indictment for challenging
vs
John Q. Campbell } to fight a duel.

Now at this day came the said defendant by his attorney W. G. T. Vault and moved the Court here to quash said Indictment: Which motion the Court sustained, and the Indictment was quashed.

It is therefore considered by the Court here that the said defendant recover of the County of Clackamas his costs in this case laid out and expended: and that the said defendant go hence without day.

Oregon Territory }
vs } Adultery.
George Geer }

Now at this day came the prosecuting Attorney, who prosecutes on behalf of Oregon Territory, and by leave of the Court saith that he will no further prosecute the said Indictment. It is therefore considered by the Court that the said defendant recover of the County of Clackamas his cost in this case laid out and expended; and that the said defendant go hence without day.

Oregon Territory } Indictment for disturb-
vs } -ing a family by night.
Hanson Beers }

Now at this day came the said defendant by his attorney W. C. T. Vault, and moved the Court here to quash said Indictment which motion the Court sustained, and the Indictment was quashed. It is therefore considered by the Court, that the said defendant recover of the County of Champoick his costs in this case laid out and expended, and that the said defendant go hence without day.

The Court adjourned to two O Clock P. M.

At two O. Clock. P. M. the Court met.

Oregon Territory } Indictment for leaving
vs } promisary note.
James White }

Now at this day came the said defendant in his own proper person, as well as the prosecuting attorney, who prosecutes for and on behalf of Oregon Territory, and the said defendant saith

he is not guilty in manner and form as alledged in said indictment against him, which he puts himself upon the Country: and the said prosecuting attorney doth the like; whereupon came a jury, to wit: William N. Rees. J.M. Miller. Preston Rice. G. A Baker. William Finley Philip Foster. Samuel Parker. Charles Lewis. L A Smith. George Rice. Alanson Husted and Daniel Trinder, all good and lawfull men, who being duly sworn, well and truly to try the matters in issue; between the said Parties retired to consider of their Verdict: The jury then returned into Court here the following Verdict to wit: "We the jury find the defendant guilty in manner and form as charged in the within indictment, and assess his punishment at a fine of Five dollars, and one years imprisonment." "Saml. Parker Foreman"

The said jury also in Open Court recommended said defendant to the Clemency of the Governor of Oregon. The defendant then filed his motion in arrest of judgement.

Oregon Territory } Perjury.
vs
George Montour }

Now at this day came the defendant in his own proper person, and moved the Court to quash said indictment, the Court sustained the motion, and the indictment was quashed. It is therefore considered by the Court that the said defendant recover of the County

& Champoick his Costs in this Case laid out and expended, and that he go hence without day."

Oregon Territory } Larceny.
John Rowland }

Now at this day came the said defendant in his own proper person, and moved the court to quash the said indictment. The motion was sustained and the indictment quashed. It is therefore considered by the court that the said defendant recover of the County of Champoeg his Costs in this case laid out and expended. and that said defendant go hence without day.

The Court adjourned to 9 o Clock to morrow morning.

Attest I. E. Easty. Peter H. Burnett
Clerk. Judge.

Tuesday June 9th 1846.

The Court met at 9 o Clock this morning. Messrs Ford and J.W. Nesmith being duly sworn, were authorized to practice law in the Criminal Court of Oregon Territory.

Oregon Territory } Forfeiting promisory note.
vs
James White }

Now at this day came the said defendant in his own proper person, and the Court being well advised of and concerning the matters and things contained in the said defendants Motion in arrest of judgement, doth overule the same.

It is therefore considered by the Court here that the said defendant make his fine of five dollars to the said Territory of Oregon; and that he be imprisoned for the term of one year in the Jail at Oregon City, and that the said Territory recover of the said defendant her Costs in this behalf laid out and expended; and that she have execution therefor, and the Court doth recommend the said defendant to the Clemency of the Executive.

Oregon Territory
vs
Peter Raymond } Adultery.

It is ordered by the Court that this cause be stricken from the docket.

Oregon Territory
vs
Bean } Adultery.

It is ordered by the Court that this cause be stricken from the docket.

Oregon Territory
vs
Lyman Byard } Adultery. (Indictment.

Now at this day came the said defendant by his Attorney J.N. Nesmith, and moved the court to quash said Indictment; which motion the Court sustained, and the Indictment was quashed. It is therefore considered by the Court here, that the said defendant recover of the County of Champoeg his costs in this behalf, laid out and expended: and that the said defendant go hence without day.

Oregon Territory
vs
Mary Atchison } Lewdness.

Now at this day came the said defen-

daint, in her own proper person, aswell as the prosecuting attorney who prosecutes for and on behalf of said Territory, and the said defendant saith she is not guilty in the manner and form as alledged against her in said indictment, and of this she puts herself upon the Country, and the said prosecuting attorney doth the like. Whereupon came a jury, to wit: Washington Corbly. Lewis Stringer. John Minto, O. S. Thomas. Edward Magruder, William Glazer. William A. Culbertson, Philip Foster, Hiram Straight, Hugh Burns, Alson Husted. James McMillen. all good and lawfull Men of Oregon, who being duly sworn, well and truly to try the matters in issue between the parties, retired to Consider of their Verdict. The jury then returned into Court here the following Verdict, to wit: "We the jury find the defendant not guilty of the charge alledged in the within Indictment" (Signed) "Hiram Straight Foreman". It is therefore considered by the Court, that the said defendant go hence without day and that the recover of the County of Twalaty her costs in this behalf laid out and expended.

Oregon Territory
vs
Noah Newman } Indictment for destroying house

Now at this day came the said defendant in his own proper person, as well as the prosecuting attorney, who prosecutes for and on behalf of said Territory, and the said defendant saith he is not guilty in the manner and form as alledged in

said indictment, and of this he put himself upon the Country, and the said Prosecuting Attorney doth the like. Whereupon came a Jury, to Wit: Samuel Parker. W. H. Rees, John Travers, Washington Cobly. Sirus Barns, Edward Magruder, William A. Culbertson. Lewis Springer, Hiram Straights, Joel Gillet, and Hanson Hunted, all good and lawful men, who being duly sworn well and truly to try the matters in issue between the parties retired to consider of their Verdict. The Jury then returned into Court here the following Verdict, to Wit: "We the jury find the defendant Guilty of the charge set forth in the Indictment" (Signed) Theophilus Magruder Foreman" The Court doth therefore assess the punishment of the said defendant at a fine of five dollars: It is therefore considered by the Court here that the said defendant make his fine to Oregon Territory of the sum of five dollars, and that the said Territory recover of the said defendant her Costs in this behalf laid out and expended, and that she have execution therefor.

Oregon Territory } Assault with intent to kill
vs
Moses Eades }

Now at this day came the prosecuting Attorney who prosecutes for and on behalf of Oregon Territory, and by leave of the Court saith, that he will no further prosecute the said Indictment. It is therefore considered by the Court, that the said defendant recover of the County of Champoeg his costs in this Case laid out and expended, and that the said defendant go hence without day.

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Oregon Territory }
Robert Blair } Slander

Now at this day came the prosecuting attorney who prosecutes for and on behalf of Oregon Territory, and by leave of the Court saith, that he will not further prosecute the said indictment. It is therefore considered by the Court that the said defendant recover of the County of Twalaty his costs in this case laid out and expended. and that he go hence without day.

Ordered by the Court that the following be adopted as rules of this Court.

1st All motions shall be in writing, specifying the objectionable points, and filed at least one day before hearing.

2d. The first business of the morning will be reading and Amending the record.

3d. Motions will be heard and determined after the record has been read and amended.

Ordered by the Court that the sum of fourteen dollars be paid H. M. Knighton for use of house.

The Court adjourned to the Court in Course.

Pet. H. Burnett
Judge.

Supreme Court Record

Be it remembered that at the September Term of the Supreme Court of Oregon Territory, began and held at Oregon City, on the 7th day of Sept. A.D. 1865 — there were present the Hon. Peter Lo. Burnett, Supreme Judge — Henry M. Knighton Marshal and Fred. P. Prigg Clerk, when the following proceedings were had. ——

The Court being opened in due form by the Marshal, the Judge ordered the Attorneys authorized to practice to be called. — and the Court adjourned to 1 o'clock P.M.

The Court met pursuant to adjournment

Richard M Cary Plaintiff in error

vs —

Oregon Territory

Now at this day the Plaintiff in error filed his assignment of errors.

W. I. Dudley, Appellant

vs.

Mantle & Couch — Appellee.

Now at this day came the parties, when the Appellant by his Attorney asked leave till to morrow morning to file his assignment of errors — which leave was granted —

Administrator of the Estate of E. Young dec'd.

plaintiff in error — vs — D. Waldo

Now at this day came plaintiff in error and made application for a Writ of Error — which was granted to be directed to the Clerk of Clackamas County.

Louis Stammenen Plaintiff in error

vs. Anderson Coy

Now at this day came plaintiff in error, and made application for a Writ of Error; which was granted to be directed to the Clerk of Champoig County

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Supreme Court Record

The Court then adjourned to 9 o'clock tomorrow morning —

Attest. Fred^c. Pugh
Clerk

Peter A Burnett
Supreme Judge

Tuesday Sep^r 8th 1846 —

The Court met pursuant to adjournment, present, the same parties as yesterday. On motions being called for, the Attorney for Appellant in the Case of Baily vs. Couch presented an Affidavit which was subscribed and sworn to in Open Court, and ordered to be filed —

William P. Baily, Appellant
vs.
John H. Couch, Appellee } Now at this day came the parties by their Attorneys, and the Court then delivered the following opinion, to Wit:

This case was before this Court at its last Session, and upon a suggestion of a diminution of the record, by the Appellants counsel, a writ of Certiorari was awarded to the Clerk of Buchanan County Court directing him to send up a more full and perfect transcript of the record in the case. In compliance with the writ of Certiorari, a new and amended transcript was sent up, and from this it appears, that at the time the appeal was taken there had been no judgment rendered in the court below against the Appellant from which an appeal could be taken. It further appears that since the last session of this Court and at the August term 1846 of the Buchanan County Court, the Appellee, by his counsel had procured that Court to amend the record, and to render judgment upon the verdict of the jury in his favor and against

Supreme Court Record

the Appellant. It is plain, that there, being no judgement in the Court below, the appeal was not rightfully taken. The jury had rendered their verdict, but the Court had entered up no judgment, and there was nothing of which the appellant could complain. On the contrary, the appellee was the only party, who had any right to complain, because the Court below, had neglected to render judgment upon the verdict of the Jury in his favor. It is also perfectly clear, that the Court below, had no right to amend the record at the last August term, as the case had come to the Supreme Court, and was still pending: and the Court below had no control over it. This Court therefore dismisses the appeal at the costs of the Appellant.

The Plaintiff in the Court below, can proceed to have the record of that Court amended, so as to render up judgment upon the verdict in his favor. It would also be well for the Plaintiff in the Court below, to have the record so amended, as to set aside the amendment made at the last August term of that Court: also to state upon the record, what disposition was made of the demurrer.

Richard M'Cay
v.
Oregon Territory } Writ of error

In this case the Court delivered the following opinion, To Wit: M'Cay was indicted tried and convicted in the Clackamas County Court for selling and bartering Ardent Spirits. In the Court below a motion was made in arrest of judgement, which motion was overruled by the Court:

Supreme Court Record

to which opinion of the Court the defendant below excepted, and brought up his case to this Court by writ of error. One of the causes assigned in the motion in arrest of judgment was, that there was no venue laid in the indictment. It is well settled law, that to any material charge in an indictment, there must be a venue laid and proven. It is a well settled principle also, that the prosecutor has no right to prove a material fact upon the trial, which is not alleged in the indictment; otherwise the prisoner would be taken by surprize. If it be material to prove the fact that the offence was committed in any particular county, then it is material to allege it. The indictment in this case is materially defective, in having no venue: and the Court below erred in overruling the motion in arrest of judgment. For this reason the decision of the Court below is reversed and the cause remanded for further proceedings. The Court below will arrest the judgment: and the prisoner will be liable to be indicted again upon the same charge —

There being no further business, the Court adjourned to the Term in course —

Attest. Fred. Fugg
Clerk

Eli A. Burnett
Supreme Judge.

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Criminal Court Record

Be it remembered that at the September Term of the Criminal Court of Oregon Territory, began and held at Oregon City on the fourteenth day of Sept^r A.D. 1846. There were present, The Honorable Peter H. Burnett, Judge, Henry M. Knighton Marshall and Free^n Tripp Clerk, when the following proceedings were had ——

The Court being opened in due form by the Marshal, the docket was read, and the parties named thereon called, when the Court adjourned till 1 o'clock P. M. ——

The Court met pursuant to adjournment —

Oregon Territory
vs.
John Watson } Indictment for an assault with intent to commit Murder

Now at this day comes as well the Circuit Attorney, who prosecutes for and in behalf of said Territory, as the said defendant in his own proper person, and it being demanded of him how he will acquit himself of said indictment, for answer thereunto the said defendant saith, that he is not guilty in manner and form as alleged against him in said indictment, and of this he puts himself upon the Country, and the said Circuit Attorney also doth the like — Thereupon came a Jury, To Wit: Elijah Pinton, R. H. Holder, Silen^s Hill, W. Cunningham, A. Chastek, Rich^d M. Cary, Joseph Garrat, James Parkinson, Tho^s Glasgow, Jeffery Brown, Dwight Mowry, Jas. Winston twelve good and lawful men, who being duly sworn well and truly to try the matters and things in issue between the parties, retired to

Criminal Court Record

consider of their verdict. The said Jury thereupon returned into Court here the following verdict, To Wit: We the Jury find the defendant guilty in manner and form as charged in the within indictment, and assess his punishment at a fine of one hundred dollars, and two years imprisonment (Signed) E. Benton, Foreman.

It is therefore considered by the Court here that the said defendant make his said fine of one hundred dollars to the said County of Clackamas, and that he undergo an imprisonment of Two years in such prison as the County Court of Clackamas County may provide, and that the said Sheriff recover of the said defendant her costs in this behalf laid out and expended, and that she have thereof execution ———

The Marshal presented a Bill of $6.00 for use of Room for Sept term of Supreme & Criminal Courts, which was allowed

There being no further business before the Court, adjourned to the term in Course

Attest Fred. Prigg
Clerk

Peter A. Burnett
Judge.

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Supreme Court Record —

Be it remembered that at the June term of the Supreme Court of Oregon Territory, begun and held at Oregon City, on the 7th day of June A.D. 1847. there were present the Hon^ble J. Quinn Thornton, Supreme Judge, Ills. M. Knighton, Marshal, and Fred^c Prigg Clerk; when the following proceedings were had ——

The Court being opened in due form by the Marshal, the Record of the last session of the Court was read ——

On motion the Roll of Attorneys authorised to practise in the Supreme Court was read, when P. Ills. Burnett signed his name to the same. Motions were then called for,

Ills. Hill
vs.
Wm Higgins

A. A. Skinner was allowed till tomorrow morning to file his motion ——

P. Ills. Burnett filed his assignment of errors ——

Stuinemans
vs.
Coy

On motion of W. G. Tavault this cause was dismissed and stricken from the docket at the cost of plaintiff in error

Ills. M. Knighton
vs.
H. Burns

W. G. Tavault for plaintiff in error filed his assignment of errors ——

7th

Supreme Court Record

Administrator of Ewing Young dec'd vs D. Waldo — P. H. Burnett & A. L. Lovejoy for plaintiff in error filed his assignment of errors —

G. Mundell vs J. McGuinnis — P. H. Burnett & Lovejoy for plaintiff in error, filed his assignment of errors —

S. H. Barlow vs Alexander — On motion this case was dismissed and stricken from the docket at the cost of the plaintiff in error —

H. B. Brewer vs I. Hutchins — P. H. Burnett for plaintiff in error filed his assignment of errors —

S. H. L. Meek vs R. C. Forney — P. H. Burnett & Lovejoy for defendant filed a motion to dismiss

The Court then adjourned till to morrow morning at 8 o'clock —

J. Quinn Thornton
Judge of the Supreme Court

Fred'c Pugg
Clerk

Supreme Court Record

Tuesday June 8th 1875

Court met pursuant to adjournment, the minutes of yesterday were read; L A. Rice added his name to the roll.

Motions were then called for,

Mc. Hill
v
W. Higgins

A Skinner for defendant in error filed his joinder in error.

Mc M. Knighton
v
Hugh Burns

P. Mc. Burnett & A L. Lovejoy for defendant in error filed his joinder in error

Mc. B. Brewer
v.
Isaac Hutchins

W. G. Ioault & Lovejoy for defendant in error, filed his joinder in error

G. Minden
v
J. McGuire &

W. G. Ioault for defendant in error filed his joinder in error

S. C. McMeek
v
R. D. Torrey

The motion of P. Mc. Burnett & Lovejoy for defendant in error, to dismiss was taken up, and after argument of counsel was overruled by the Court

Administrator of the Estate of Ewing Young dec'd
v.
D. Waldo

W. G. Ioault for defendant in error, filed his joinder in error

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H. Hill
v.
W. Liggins

Error to the Yam Hill County Court.

Now at this time comes the plaintiff in error by his attorney, as well as the defendant in error by his attorney, and the case being fully argued the Court Pen delivered the following opinion; J. Wis: Per Curiam:

This was an action for forcible entry and detainer, under the Iowa statute, which is made the law of Oregon Territory, brought by Wm. Liggins against H. Hill, before Jeremiah Rowland a J. P. of Yam Hill County. Judgment was given against Hill before the J. P. from which he appealed to the Yam Hill County Court, which at that time possessed the civil jurisdiction now exercised by the Circuit Court. The trial in the County Court was before a jury and a verdict and judgment was had against Hill, who brings the case into the Supreme Court by writ of error.

The counsel for the Plaintiff in error assigned several errors, the Court notice the following.

1st. That the plaintiff below did not allege in his complaint that he possessed the premises described, or that the defendant below divested him of their possession.

2nd. That the verdict of the Jury was not subscribed by them.

Upon the first error it may be remarked that in every complete title to lands, there are three things necessary; the possession, the right of possession, and the right or property therein. A. may have the possession, B the right of possession; and C. the right of property; the union of these in the

same person constitutes a perfect and complete title. If one turns or keeps another out of possession forcibly, this is an injury of both a civil and criminal nature; the civil injury is remedied by immediate restitution, which puts the ancient possessor in statu quo: the injury partaking of the nature of a criminal or public wrong, is punished by fine. For by the Iowa "Act to prevent forcible entry and detainer", approved Jan'y 25th 1839 (Laws of Iowa p. 217) which is made the law of Oregon, and which seems for the most part to be a reenactment of the statute 8 Hen. VI c. 9 it is provided that upon a complaint made to any J. P. of a forcible entry and detainer; he shall try the truth of the complaint by jury, and upon force found, shall restore the possession to the party so put out and impose a fine not exceeding fifty dollars; and in such case the complainant shall also be entitled to recover treble damages with costs of suit by action of trespass. The wrong for which these provisions were designed to furnish a remedy is that of forcibly turning out of the possession of lands, one who has a right of possession, and of detaining that possession from him. The action which it authorizes does not propose to try the right of property, but only that of possession; and in order that the remedy may be made available, the complainant must alledge that he possessed the premises, or at least that he was divested of their possession. The defendant in error in this case, has not alledged either. This it was absolutely necessary to do, for the reason that this action does not try

title, but only a right of possession. It is sustained in those cases only, where the plaintiff had actual possession and the defendant forcibly entered and expelled him. If the title to real estate could be tried in this form of action, then we would be under the painful necessity of witnessing a most strange and anomalous judicial proceeding — that of litigating a title to real estate before a J. P. which is contrary to both law and common sense.

The action is merely possessory; serving only to regain that possession whereof the complainant has been deprived; it decides nothing with respect to the right of property; only restoring he who sues to that state or situation in which he was (or by law ought to have been) before the dispossession committed. But this without any prejudice to the right of ownership, for if the dispossessor has any legal claim, he may afterwards assert it, notwithstanding a recovery against him in this possessory action. As to how far the error committed by the plaintiff below, in not alledging in his complaint that he possessed the premises, or that the defendant below divested him of their possession, is affected by the Statute of Amendments and Jeofails, the Court is of opinion that it is not cured by that statute — — —

This case is to be carefully distinguished from that of Test v. Devers (2 Blackfords Rep. 80). In that, the complaint, in an action of forcible entry and detainer, stated that the defendant with force and arms; unlawfully and forcibly entered upon the plaintiffs land (particularly described) and him the plaintiff with force and arms did expel and unlawfully

put out of possession; Held, that this complaint could not be objected to after verdict, for not showing more particularly that the plaintiff had peaceable possession of the premises before the injury complained of. But in the case now before this Court the complaint not only omits to show that the defendant in error had peaceable possession of the premises before the injury complained of, but it does not so much as show that he was with force and arms expelled and unlawfully put out of possession; instead of which it is affirmed that the premises were unlawfully and forcibly and with strong hand detained from the possession of the defendant in error. A may have the right of possession, without having ever had the possession, this having been detained from him by B.

The 4th section of the law regulating forcible entry and detainer (Laws of Iowa p. 218) provides that if the Jury, after a full hearing, find the persons against whom the complaint is made, guilty, they shall sign their verdict, and deliver the same to the justice, who shall thereupon enter judgment for the complainant to have restitution of the premises, and shall impose such fine not exceeding fifty dollars, considering all the circumstances, as he may deem just. The verdict of the Jury in the County Court is insufficient and void, and therefore no verdict, or at the least not such a one as could authorize that Court to render a judgment against the defendant below. The Statute requires the verdict in this form of action to be signed by all the jury, whereas in this case it is not signed by any of them. There being no verdict or at least no sufficient verdict,

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the Court below could not render a judgment.

And this is in perfect accordance with principle and with the decisions of the Supreme Court of Indiana, first in the case of Test v. Deuces, Nov. Term 1827. under the Statute of 1824. 2 Blackfords Rep. 80 and second in Word v. Crane. 3 Blackfords Rep. 393. under the statute of 1831 which is the same with that of 1824. both of which are similar to the Act of Iowa Jan.y 25, 1839. Laws of Iowa p. 217: all three of these acts being substantially a reenactment of the provisions of the Statute of 8 Hen. VI c. 9. In both of these cases the error assigned was that the verdict had not been signed by all the jurors, and the Court held that the objection was fatal.

The judgment therefore is reversed, and the verdict set aside, with Costs, Cause remanded &c—

P. H. Burnett
W. G. Pratt } for Plaintiff in error—
A. H. Skinner for defend.t in error—

No. 6.

Gilbert Munden,
v
James McGinnis } Error to the Van Buren County Court

Now at this time comes the Plaintiff in error by his attorney, as well as the defendant in error by his attorney, and the case being fully argued, the Court delivered the following opinion, To Wit. Per curiam:

This was an action brought by James McGinnis the Plaintiff below against Gilbert Munden the defendant below, upon a promissory note, before a J.P. in Van Buren County. A judgment was rendered was rendered against the Plaintiff in error, from which he

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appealed to the Yam Hill County Court. The transcript of the record shews that at a regular term of that Court commencing on the 3rd August 1846 said cause was continued until the next term of said Court upon the motion of the counsel for the plaintiff in error, supported by the necessary affidavit. The concluding entries of the record shew that it was ordered that the Court "be held at the falls of Yam Hill river at the house of Joel Perkins May Term 1847". It was then ordered "by the Court, that Court adjourn without day".

At a Special Term of the Court, "began and held at the dwelling house of A. J. Hembree, on the 10th day of Dec. 1846." a judgment by "default" was obtained by the defendant in error against the plaintiff in error for $51,70 after the plaintiff in error had sought to have the cause continued to the regular term. From this judgment the defendant below comes into this Court upon a writ of error

The plaintiffs counsel assigns for error,

1st. That the Court below erred in refusing the application of the plaintiff for a continuance

2nd. That the Court below erred in proceeding to try this cause at the Special Term

These errors rest upon the same principle; and the determination of either determines the whole case so far as concerns the jurisdiction of this Court.

The Application for a continuance was wholly unnecessary, since the cause stood continued until the regular term of the Court; and the effort to hurry the defendant below into a trial in anticipation of the time of the regular term to which the cause

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stood adjourned, was in violation of well known and long established principles. To require him thus to go to trial, was to take him by surprise and consequently without a preparation for making this defense. Nor is the case at all affected by the section of the act (Spec. Vol 1 No 7 p. 1. Sec. 2) providing for a special term. This act seems to contemplate County business in contradistinction to civil suits between party and party; and whatever may be the proper construction of this section, it is at least certain that no provision having been made at the regular term for a special term the cause stood continued until the next succeeding regular term

Judgment reversed, and cause remanded for a new trial -

P. H. Burnett
A. L. Lougary
A. A. Skinner } Att'y for plaintiff in error

W. G. Iwault Att'y for defendant in error

Court adjourned till 2 o'clock P. M.

Court met pursuant to adjournment

H. B. Bauer
v
Isaac Hutchins } Now at this time comes the plaintiff in error by his attorney, as well as the defendant in error by his attorney and the cause being fully argued, the Court postponed opinion for advisement until tomorrow -

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Ile. M. Knightlen
v.
Hugh Burns

Now at this time comes the Plaintiff in error by his attorney as well as the defendant in error by his attorney, and the cause being argued, the court postponed opinion for advisement till to morrow.

Court adjourned till to morrow morning at 10 o'clock

J. Quinn Thornton
Judge of the Supreme Court

Thea. Pagg
Clerk

Wednesday, June 9th 1847.

The Court met pursuant to adjournment, Sheriff Wm Holmes having been appointed Deputy Marshal by Ile. M. Knightlow, was duly qualified by taking & subscribing to the necessary oath, the other parties the same as yesterday — The Record of yesterday was read, and motions called for,

Administrator of the Estate of
Ewing Young dec'd.
v.
D. Waldo

W. G. Tewalt for defendant in error asked leave to withdraw his joinder in error which was refused by the Court,

H. B. Brewer Appellant
v.
Isaac Hutchins Appellee

from Clackamas County Court

Now at this time the Court delivered the following opinion; To Wit.

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Per Curiam;

This was an action brought by the appellee vs. the appellant before a J.P. upon an account in the following words and figures, to wit:

Henry B. Brewer, Dr.

to Isaac Hutchins

1845. To one yoke of Oxen ——— $150.00

A verdict and judgment was had before the J.P. vs. the Appellant for $150 and costs, payable in Currency. The appellant appealed to the Circuit Court of Blackamas County, where the appellant filed a motion for a continuance based upon an affidavit setting forth the absence of material witnesses resident in the United States, the one in Massachusettes, and the other in New York. The affidavit sets forth that appellant expects to prove by said witnesses, that affiant took good care of the oxen mentioned in plaintiffs account, that affiant, never purchased said oxen of plaintiff, and that affiant used all due diligence and proper care to keep said oxen safely for plaintiff, but that said oxen either strayed off or were stolen, without any carelessness on the part of the affiant". The affidavit was in other respects such as is required by the statute, upon a motion for continuance. The motion was overruled, and a verdict and judgment was rendered against the appellant for $120. and costs, payable in Currency, excepting scrip. From this judgment the appellant appeals to this Court

An examination of the transcript of the record of the judgment in this cause, as well as of the minutes of the proceedings of the said Circuit Court, and the original papers filed, now produced to the Supreme

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Court, by the Clerk of the said Circuit Court, being seen and inspected, it seems to the Court here, that the said judgment was erroneous,

1st. Because the Court overruled the motion of the Appellant for a continuance upon the grounds pointed out in the affidavit. It is true that the appellant did not show that he had given notice to take depositions, but the law will not require a man to do either a useless or an impossible thing. A notice from the appellant that he would take the deposition of witnesses residing 19,000 miles distant by water, and near 4,000 by land at any time between that of taking the appeal from the judgment of the J.P. and that at which this cause came on to be heard in the Circuit Court, would have been useless, because of the absolute impracticability of taking the depositions within the specified time. And the law will not require the appellant to dry up rivers, dig down mountains, and annihilate space, because this is impossible, and yet the appellant must be presumed to be able to do all this and much more, if he is required to have in the Circuit Court of Clackamas County in Oregon Territory, the deposition of a witness residing in Cambridge Port Massachusetts, and of another residing in Chenango County in the State of New York between the time of taking the appeal from the judgment of the J.P. and that of the trial of the cause in the Circuit Court. The Appellant was entitled to a continuance of the cause to a period sufficiently remote to admit of his giving his adversary at least ten days notice and one day additional (Sabbaths included) for every thirty miles of distance

to the place, and a reasonable time in addition, and having in view the tidings of communication with the U. States for sending the dedimus potestatem and for the return of the depositions, allowing for the latter at the least one day for every thirty miles of distance. 1 Blackfords Rep. 60

The judgment was erroneous

2nd. Because the appellant having reduced in the Circuit Court, the verdict of the Jury before the J.P. from $160 to $120 - shewed conclusively that he had just cause to appeal, and therefore the Circuit Court, if it had been authorized to render a judgment against the appellant at all, should have rendered two judgments - one against the appellant for the amount of the verdict $120 and the costs which had accrued before the J.P. up to the time of taking the appeal; and one against the appellee for the costs which accrued between the time of taking the appeal and the rendition of the judgment in the Circuit Court. The Ohio Supreme Court has decided that if a plaintiff appeal and do not recover a greater sum in the Supreme Court, than in the Court of Com. Pleas exclusive of costs and interest which have accrued after rendition of the judgment in the Court of Com. Pleas the Supreme Court will render a judgment against him for the costs accruing in the Supreme Court, and if the defendant appeal in any personal action and the plaintiff recovers the same, or a larger sum than was recovered in the Court of Com. Pleas, exclusive of costs, the Supreme Court will render a judgment for the sum so recovered with costs. Ohio Practice 367 Upon the same principle this Court holds, that if the defendant appeals and the judgment below is diminished, the costs of the appeal

should fall upon the plaintiff below.

3rd. The judgment was erroneous, because there is no statement on the part of the appellee of the nature of the demand, and there is nothing among the minutes of the proceedings of the Circuit Court or among the original papers in the cause except the affidavit of the appellant that would afford the slightest information as to whether the plaintiff is sued for a malicious trespass, in an action of assumpsit for oxen sold and delivered, or as a bailee. Nor is there any date except that of the year at which the appellants liability commenced. This becomes important in view of the Act regulating the currency, entitled "An Act relative to the currency, and subjecting property to execution." passed in Dec^r. 18th.

The principles involved in the case of Mc.M. Singleton vs. Mc. Burns upon the subject of the inviolability of contracts, and of the currency apply with equal force here. The account which constitutes the basis of an action before a J. P. stands in the place of a declaration in the Circuit Court. The law is so solicitous that the defendant shall be fully informed as to the nature of the demand, that even in the Circuit Court and where the declaration is general, a bill of particulars may be demanded. 1 Blackford's Rep. 181.

4th. The judgment is erroneous in this, that the verdict is defective, because of speciality in excluding scrip, whereas the finding should have been as general as the account, so as not to lead to a variance between the judgment and the account which stands in the place of a declaration.

It is therefore for these reasons considered, that the

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said judgment be reversed and annulled, and that the Appellant recover against the Appellee his costs &c. And it is ordered that the said verdict be set aside and that the cause be sent back to the said Circuit Court for a new trial to be had therein.

P. Mc. Burnett, Atty for Appellant
W. G. Swarts & A. D. Longay for Appellee.

H. M. Knighton
No. 8. v. — Error to the Clackamas Circuit Court
Hugh Burns

Now at this time the Court here delivered the following opinion, Per curiam

This cause came up from the Circuit Court upon a statement of facts presented in a bill of exceptions. On the 2d Nov 1845 the defendant executed to the plaintiff a note for $150 payable Nov 1st A.D 1846. Suit was brought upon this note before a J.P. where judgment was rendered against the maker, from which an appeal was taken to the Clackamas Circuit Court. This Court rendered a judgment against Deft for $146 23 payable in currency, scrip excepted, together with costs. On the trial of the cause at the April term 1847. the dft to maintain the issue on his part proved that he had tendered to the J.P. before whom the trial was originally had, the full amount of the debt interest and costs up to the filing of the plea of tender, in Oregon scrip, to the amount specified in the plea of tender. The deft also tendered in the Circuit Court the full amount in Oregon scrip. The plaintiff objected to receiving the scrip in payment of the debt, interest and costs, which objection was sustained by the Court.

E5.

Supreme Court Record.

The Organic Law, Art. 1. Sec. 2. declares, "that no Law ought ever to be made, or have force in said Territory, that shall in any manner whatever, interfere with or affect private contracts or engagements, bona fidi and without fraud previously formed." This is a prohibition of great moment, affecting extensively the authority of the legislative branch of the established government. It is taken in the substance of its provision, from the Constitution of the U. S. in which there is no prohibitory clause, which has given rise to more various and able discussion, or more protracted litigation. The first important case arising under the clause as found in that Constitution, was the case of Fletcher vs. Peck (6. Cranch, 87) In that case it was decided that when a law was in its nature a contract, and absolute rights had vested under that contract, a repeal of that law could not divest those rights. The Supreme Court went again and more largely into the consideration of this delicate and interesting fundamental doctrine in the case of Terret vs. Taylor, 9 Cranch, 43.) It was there held, that a legislative grant, competently made, vested an indefeasible and irrevocable title. But it was in the great case of Dartmouth College vs. Woodward (4 Wheaton 518) that the inhibition to impair by Law the obligation of contracts, received the most elaborate discussion. In that case the principles previously recognised, were not only greatly elaborated but efficiently and instructively applied to new cases.

The late venerable and learned judge Story, added many new and interesting views of the nature of contracts, which the constitution intended to protect. The argument of the Court in this celebrated case; the full and elaborate

Supreme Court Record

exposition of the constitutional sanctity of contracts, to be met with in any of the reports, and the decision made in it did much to throw an impassable barrier around all rights and franchises, and to give solidity to the literary, religious, and commercial institutions of the country. 1 Kent 418.

The same constitutional prohibition came again under discussion in the case of Green vs. Biddle (8 Wheat 1) in which it was decided that any deviation from the terms of a contract impaired it, and that the objection to a law on the ground of its impairing the obligation of contracts, could never depend upon the extent of the change which the law effects in it.

In the case of Sturges vs. Crowninshield (4 Wheaton 122) the operation and effect of this constitutional prohibition was again extensively enquired into. That was a case which arose out of the retrospective operation of an Act of the Legislature of New York passed in April 1811 by which the defendant had been discharged as an insolvent debtor upon his single petition, from the obligation to pay two promissory notes executed by him in March of the same year, and upon his surrendering his property, without the concurrence of any creditor.

In the opinion delivered by the late Chief Justice Marshall, a broad and well defined distinction was made between the contract and the remedy for the enforcement of that contract; and the court held that while the remedy to enforce the obligation of a contract might be modified at the wisdom of the Legislature should direct, yet that the constitution intended to restore and preserve public confidence completely by establishing the great principle that the obligation of contracts should be inviolable. And all experience even if two had been

necessary to a correct understanding of the subject hath shown that the framers of the Constitution acted wisely in incorporating this prohibitory clause in that sacred instrument, and that its expounders merit the gratitude of the nation for having had the firmness to give to it such a construction as affords an ample remedy for the consequences which must otherwise result from the temporary expedients of legislators. The Supreme Court admitted in this case, that the States might by law discharge debtors from imprisonment, and that they might pass statutes of limitation, because these relate only to the remedy, affecting only the means of coersion, while the obligation of the contract is left where the parties chose to place it. But a law which discharged the debtor from his contract to pay by a given time, without performance, and released him without payment, entirely from any future obligation to pay, impairs because it entirely discharged the obligation of the contract.

Any construction therefore of the Act of the Legislature of Oregon Territory, Dec^{r} 12th 1845. which would admit of Scrip constituting the basis of legal tender on the part of the defendant, would contravene the Organic Law. Art 1. Sec 2. because although it would not entirely discharge the defendant from the payment of the note, yet it would impair the obligation of the contract embraced in that note, by making that a lawful tender which was not contemplated by the parties at the time of its date, to wit, Nov^{r} 4th 1845. The Supreme Court of New York in Mather vs Bush, 16, Johnsons Rep. 233. the Chief Justice of Massachusetts, in Blanchard vs Russell 13 Mass. Rep. 1. The Court of Chancery of New York, in Hicks vs Hotchkiss 7 Johnsons Ch. Rep. 297. took a distinction between the case of a contract made before

and one made after the passage of the Act, and they held that an insolvent Act in force when the contract was made, did not in the sense of the Constitution of U. S. impair the obligation of that contract, because the parties are presumed to contract with regard to existing laws. Were this rule applied to the case now before the Court, it would of itself determine the question presented. The laws existing at the time the contract was made for the payment of the money, did not recognise Scrip as constituting any part of the legal currency of the country, nor did it do so until more than one month after the date of the execution of the note. But the Supreme Court of the United States in McMillan vs McNeill 4 Wheaton 209. carried this doctrine much further, and held that a discharge under a state insolvent law existing when the debt was contracted, impaired the obligation of a contract. As the decisions now stand, the debt in order that a discharge may extinguish the remedy against the future property of the debtor must be contracted after the passage of the Act, within the state and between citizens of the state. The principles thus settled are the law of the present case, in which the contract was made before the passage of the law. The Supreme Court of Indiana in Lewis vs Breckenridge 1 Blackfords Rep. 220 following the current of decisions decided that this constitutional provision must be considered as rendering void any statute which retrospective, and which destroys a vested right

of action which arises ex contractu, but that the legislative power of limiting the time, and regulating the manner in which rights shall be legally demanded, does not interfere with the rights themselves. It was also held, independently of the constitution, to be a general rule, subject however to exceptions, that statutes shall have a prospective operation only. The constitutional provision, therefore, that no law impairing the obligation of contracts shall ever be made: extends to all rights accruing under all contracts, whether written or parole, whether expressed or implied, whether arising from the stipulation of the parties or accruing by operation of law.

Persons therefore, who contract to pay a given sum in cash, will be required to make payment in cash; and persons who contract to pay in a named sort of funds or property, will be held to the fulfilment of their engagements, or be required to pay in coin an amount equal in value to the funds or property contracted to be paid. 1 Kent 413-421.

It is therefore, clear, that the plea of tender was bad, and that payment can be made only in that which might have been legally tendered in payment of debts, Nov. 4. 1845.

Judgment of Court below affirmed with cost.

P. H. Burnett & A. L. Longjay, Att'y. for the Plaintiff,

W. G. Vault Att'y. for the defendant.

Supreme Court Record

Administrator of the Estate
of Ewing Young dec'd.
v.
D. Waldo

Now at this time
comes the plaintiff
in error, and here set forth his arguments, when
the Court postponed opinion till the afternoon

P. L. Elmore
v.
R. D. Torney

P. H. Burnett & A. L. Lovejoy
for defendant in error, filed
his joinder in error.

Court adjourned to 2 o'clock P. M.

Court met pursuant to adjournment

A. L. Lovejoy, Administrator
of the Estate of Ewing Young dec'd
v.
David Waldo, surviving partner
of the late firm of Jackson & Waldo

Error to the
Blackamas
County Court

No. 9.

Now at this time the Court here delivered
the following opinion; Per Curiam

This cause comes up to this Court upon
a writ of error sued out for the purpose of
reversing a judgment given by the Blackamas
County Court at the August Term 1846, in favor
of the defendant in error, who was the plaintiff
below, and against "The Administrator of the
Estate of Ewing Young" for the sum of $1380,58
debt, together with the costs of the plaintiff below
by him laid out and expended.

The cause of action was cash advanced,

laid out and expended, and goods and sundries furnished to the said Young and for his use and benefit by David E. Jackson and David Waldo formerly trading and doing business under the name and style of Jackson and Waldo, in the Republic of Mexico in the years 1831, 1832 & 1833.

The account was made out in the name of David Waldo surviving partner of the late firm of Jackson & Waldo as the creditor of Ewing Young. It claimed $3029,29 as principal and $2599,92 as interest, making a sum total of $5623,21. The account was filed in the office of the clerk of the County Court and the copy of the record states that notice was given to "the said Administrator", who "the said Administrator" was, however remains yet to be known so far as concerns any information furnished by the copy of the record. Upon the hearing of the testimony and the examination of the account the County Court at its August term 1846 rendered judgment rendered judgment for $4380,50 debt, together with the costs of the plaintiff below, against "the Administrator of the Estate of Ewing Young". It does not appear that any body appeared in the Court below to defend as administrator, nor does it appear that any one by name had any notice of any proceeding against said estate. Whatever other errors there may be, it is clear that there is not a sufficient certainty in the proceedings below, as to who was the defendant. An omission through either inad-

vertance or the want of skill to make a just application of those rules of civil jurisprudence which relate to the persons who are to be the parties to the action, are in general so fatal to the further prosecution of suit, that the plaintiff is usually compelled to abandon his suit and to proceed de novo. The action should be brought in the name of the party whose legal right has been affected, and against the party who committed the injury (1 M. & S. 722 — 1 Marsh. 260 — 8 J. R. 332 — 1 East 499 — 1 Chit. Pl. 1 — or by or against his personal representatives. The account in this case stands in the place of a declaration in an action of assumpsit, in which certainly to a certain extent in general is necessary in setting forth the parties, time, place, and other circumstances necessary to maintain it. The parties to the suit must be specifically mentioned (Com. Dig. Pleader C. 18). And actions to be properly brought must be commenced and prosecuted in the proper Christian and Surnames of the parties. Seely vs. Schenck and Denise, Crandall v. Fox. Denny & al° 1 Penn. Rep — 75. 137. Tomlinson vs Burke et al. (1 Halst. Rep. 295 —). In declarations upon contracts whether express or implied, it should be expressly stated by and with whom the contract was made; (Id. Rayn. 899 Com. Dig. Action on the case for Assumpsit, C. 3 — Pleader C. 18, 1 Chit. Pl. 286) and when there are two or more persons of the same name, they should be dis-

tinguished from each other by the insertion of some appropriate allegation, as "the now plaintiff" or "the now defendant" or "the said E. F. deceased" &c — (2 Wils. 386 — Lev. Eliz. 267 — Com. Dig. Pleader (c. 18.) And although the neglect thus to distinguish the parties will in general be aided by intendment particularly upon a general demurrer or after verdict (1 Chit. Pl 280 1 M. R. 172) yet the books furnish no example that now occurs to the Court of a total omission of both the Christian name and surname of one of the parties being cured by pleading over, intendment after verdict, or by the Statute of Jeofails which has sometimes been called an omnipotent act (1 Wms. 100) by which all trifling exceptions are so thoroughly guarded against, that writs of error cannot now be maintained but for some material mistake —

Judgment reversed, and cause remanded &c

P. H. Burnett & A. J. Lowry for Plaint. in error

W. G. Faulk for defendant in error

S. H. L. Meek
v.
R. D. Toney

No. 10.

Writ of Certiorari

Now at this time comes the plaintiff by his attorney, but the defendant tho' called thrice comes not whereupon the Court here delivered the following opinion — Per Curiam

This cause came up to this Court upon a writ of Certiorari sued out of this Court by Stephen H. L. Meek who was the defendant below, commanding

Ralph Wiley, I.P. within and for the County of Tuality, to send up to this Court a transcript of the docket and proceedings had in the case of Richard D. Toney plaintiff vs. Stephen W. Meek Defts. with all things touching the same as fully as they existed at the time of issuing said writ.

The transcript sent up shews that an attachment was sued out by the plaintiff below, before A. W. Fair I.P. within and for the said County of Tuality, vs. the defendant below. During the progress of the cause a motion was made grounded upon an affidavit by the plaintiff below for a removal of the cause before another I.P. the motion was sustained, and the papers were sent to Ralph Wiley I.P. Here the plaintiff abandoned his proceeding by attachment, and commenced de novo by a Summons upon an account for $28. The defendant below appeared and filed an off-set for $10. cash. After a hearing of the evidence, the I.P. rendered judgment for the amount sued for, and for $6.13 cost. In this Court a motion was made by P.W. Barnett & A.L. Lovejoy Attorneys for the defendant here, to quash the writ of certiorari and to dismiss this cause from the docket upon the ground that a certiorari does not lie from the Supreme Court to a I.P. This motion was overruled, and this Court is of opinion that it alone possesses the power to issue this writ. this power is nowhere conferred upon the Circuit Court by either the Organic Law; or by any statute under it. The Supreme Court possess a general superintending

Supreme Court Record

control over all inferior Courts of law, It has power to issue writs of Habeas Corpus, Mandamus, Quo Warranto, Certiorari, and other original remedial writs, and to hear and determine the same. Organic Law Art II. Sec. 8.

W. G. Irvine, Att'y for the Plaintiff in this Court assigns four causes of error, but the consideration of these and of the law applicable to them is rendered wholly unnecessary by the fact that they all relate to the proceeding by Attachment and have no connection whatever with the proceeding de novo under the summons which issued upon the abandonment of the suit by attachment. The judgment of the D. P. is therefore affirmed with costs. Cause remanded &c.

P. H. Burnett & D. S. Lovejoy, Att'ys for the Deft.
W. G. Irvine Att'y for the Pltff.

Court adjourned till 6 o'clock P. M.

Court met pursuant to adjournment and adjourned till tomorrow at 2 o'clock P. M.

J. Quinn Thornton
Judge of the Supreme Court

Fred'c Pigg
Clerk

Thursday, June 10th 1847

Court met pursuant to adjournment when the Record was read, and the Court adjourned to the Court in course.

J. Quinn Thornton
Judge of the Supreme Court

Fred'c Pigg
Clerk

96. Supreme Court Record

Be it remembered that at the September term of the Supreme Court of Oregon Territory, begun and held at Oregon City on the 6th day of September A. D. 1854 — there were present, the Hon. L. Lovin Thornton, Supreme Judge, Wm. Holmes Deputy Marshal, and Fredc. Pugg, Clerk when the following proceedings were had. The Court was opened in due form by the Deputy Marshal —

Henry M. Knighton
vs.
Hugh Burns
} in Error

Now at this time the defendant in error comes by his Attorneys Burnett and Lovejoy and motions that the said cause be remanded to the Circuit Court of Clackamas County, commanding said Court below to issue execution in said cause —

The Court then adjourned till tomorrow at 5 o'clock P. M. —

L. Lovin Thornton Judge
of the Supreme Court.

Attest Fredc Pugg
Clerk

Supreme Court Record

97 Court met pursuant to adjournment Sept 7th 1847

Henry M Knights
vs.
Hugh Burns
} In Error

Now at this time the Court here ordered that the said cause be amended to the Circuit Court of Blackamas County, and that said Court upon execution thereof

The Court then adjourned to the Court in course

Fred C Pigg
Clerk

J. Quinn Thornton
Judge of the Supreme Cou

Supreme Court Record

Be it remembered that at the June term of the Supreme Court of Oregon Territory, begun and held at Oregon City, on the fifth day of June, A. D. 1848. there were present The Hon.ble Columbia Lancaster Supreme Judge, H. M. Knighton, Marshal and Frederic Prigg, Clerk, when the following proceedings were had ——

The Court being opened in due form by the Marshal, On motion of P. H. Burnett the names of W. G. Truett, Jam.s R. Thurston, Aaron E. Wait and Milton Elliott were enrolled, as Attorneys authorized to practice in the Supreme Court ——

Motions were then called for,

A. Zachary vs. James Waters } Now at this time the plaintiff in error by his attorney filed his assignment of errors ——

A. J. Masters vs Amariah Wilson } Now at this time the plaintiff in error, filed his assignment of errors ——

Felix Hathaway vs C. M. Walker } Now at this time the plaintiff in error, filed his assignment of errors ——

James Rice vs Willm M. Coard } Now at this time the plaintiff in error, filed his assignment of errors ——

Henry Marlin vs Lewis H. Judson — Now at this time the plaintiff in error, filed his assignment of errors —

Coleman Burnett vs Oregon Territory — No 1 — Now at this time the defendant by Attorney filed his motion to dismiss

Coleman Burnett vs Oregon Territory — (No 2) — Now at this time the defendant by Attorney filed his motion to dismiss

Court then adjourned till tomorrow morning at ten o'clock —

Columbia Lancaster
Supreme Judge

Sunday — June 6th 1847

Court opened pursuant to adjournment the record of preceding day was read & signed and motions were called for,

A. Zachary vs. I. Waters — defendant in error here filed his joinder in error —

A. F. Masters vs. A. Wilson — defendant in error here filed his joinder in error

James Rice vs. W. M. Beard — defendant in error here filed his joinder in error

F. Hathaway vs. C. M. Walker — defendant in error here filed his joinder in error

Jas. Rice
vs.
Wm. M. Beard

Now at this time the Plaintiff and defendant in error, by their Attorneys, here agree that the defects of transcript & Certificate are waived as per agreement filed. The case was argued and submitted and Court held the same under advisement

Allen Martin
vs.
L. H. Judson

The defendant in error, here filed his joinder in error

Court then adjourned till 9 o'clock to-morrow

Columbia Lancaster
Supreme Judge

Wednesday, June 7th 1871

Court met and opened pursuant to adjournment — the record of preceding day was read and signed — Motions were called for,

Coleman Burnett
vs
Oregon Territory
(No 1)

The motion to dismiss was here taken up, argued and submitted to the Court, who held the same under advisement

The Plaintiff in error here filed his assignment of errors —

Coleman Burnett
vs
Oregon Territory
(No 2)

The Plaintiff in error here filed his assignment of errors

A. J. Masters
vs
Jeremiah Wilson

Now at this time comes the Plaintiff in error by his attorney as well as the defendant in error by his attorney on

15th A. T. Masters vs Amariah Wilson — the cause being argued, was now submitted to the Court who took the same under advisement

Coleman Burnett vs Oregon Territory (No 1) — The defendant in error here filed his joinder in error

Coleman Burnett vs Oregon Territory (No 2) — The defendant in error, here filed his joinder in error

Felix Hathaway vs Courtney M. Walker — Now at this time comes the plaintiff in error by his Attorney, as well as the defendant in error by his attorney, and by consent of parties the argument and decision is deferred to the next session of this Court, and that in case the attorneys of either side, shall deem it inconvenient to attend personally at the next Term of this Court, they or either of them may file with the Clerk of this Court a written argument in the cause with legal opinions &c. which will be regarded by the Court the same as a personal argument And the Clerk of Yam Hill Circuit Court is hereby ordered and directed to forward to this Court, the original account on file in his office, which was entered by Hathaway vs. Walker.

Court adjourned to Tomorrow morning ½ past 9 o'clock

O. Thurston Chancellor

Supreme Judge

Thursday, June 8th 1848

Court met and opened pursuant to adjournment — The record of preceding day was read and signed, and motions called for

Coleman Burnett
vs
Oregon Territory
(No 1)

Now at this time comes the Plaintiff in error by his Atty as well as the defendant in error by his Attorney and the cause being argued and submitted. The Court held the same under advisement

Coleman Burnett
vs
Oregon Territory
(No 2)

The argument and authorities cited in the preceding case applying equally to this, it is therefore considered argued, submitted, and held under advisement with Case No 1 —

Henry Martin
vs
L. H. Judson

Now at this time comes the Plaintiff in error by his Atty as well as the defendant in error by his Attorney, and the argument being opened, the Court adjourned till tomorrow morning 9 o'clock

Columbia Marcotte
Supreme Ledger

Friday June 9th 1848

Court met and opened pursuant to adjournment — The Record of preceding day was read and signed, and motions called for —

H. Martin
vs
L. H. Judson

Argument was resumed, and on conclusion the cause was submitted to the Court, who held the same under advisement

10[3] Alex[r] Zachary
vs.
James Waters

Now at this time comes the plaintiff in error by his Att[y] as well as the defendant in error by his Attorney, and asked leave to submit their Arguments, ~~in~~ and briefs in writing, which leave was granted by the Court, the written arguments and briefs to be filed with the Clerk on or before Thursday the 15[th] inst at 1 o'clock P. M. ——

Court then adjourned till Thursday the 15[th] inst. at 1 o'clock P. M. ——

Columbia Lancaster
Supreme Judge

Thursday — June 15[th] 1848 —

Court met and opened pursuant to adjournment. The Record of the 9th inst. was then read and signed, and Motions called.

Alexander Zachary
vs.
James Waters

No. 11.

Now on this day comes the plaintiff in error and moves the Court for leave to withdraw this suit agreeable to the stipulations of agreement between the parties on file in this Court, which leave was granted —

Court then adjourned until Monday the 7[th] day of August 1 o'clock P. M.

Columbia Lancaster
Supreme Judge

Monday — August 7[th] 1848

Court opened pursuant to adjournment and adjourned till tomorrow at 1 o'clock P. M

Columbia Lancaster
Supreme Judge